

1 AN ACT concerning organized gangs, which may be referred  
2 to as the Severe Anti-gang Amendments of 2001.

3 Be it enacted by the People of the State of Illinois,  
4 represented in the General Assembly:

5 Section 5. The Criminal Code of 1961 is amended by  
6 changing Sections 9-1, 12-2, 12-4, 12-4.2, and 24-1.2 as  
7 follows:

8 (720 ILCS 5/9-1) (from Ch. 38, par. 9-1)

9 Sec. 9-1. First degree Murder - Death penalties -  
10 Exceptions - Separate Hearings - Proof - Findings - Appellate  
11 procedures - Reversals.

12 (a) A person who kills an individual without lawful  
13 justification commits first degree murder if, in performing  
14 the acts which cause the death:

15 (1) he either intends to kill or do great bodily  
16 harm to that individual or another, or knows that such  
17 acts will cause death to that individual or another; or

18 (2) he knows that such acts create a strong  
19 probability of death or great bodily harm to that  
20 individual or another; or

21 (3) he is attempting or committing a forcible  
22 felony other than second degree murder.

23 (b) Aggravating Factors. A defendant who at the time of  
24 the commission of the offense has attained the age of 18 or  
25 more and who has been found guilty of first degree murder may  
26 be sentenced to death if:

27 (1) the murdered individual was a peace officer or  
28 fireman killed in the course of performing his official  
29 duties, to prevent the performance of his official  
30 duties, or in retaliation for performing his official  
31 duties, and the defendant knew or should have known that

1 the murdered individual was a peace officer or fireman;  
2 or

3 (2) the murdered individual was an employee of an  
4 institution or facility of the Department of Corrections,  
5 or any similar local correctional agency, killed in the  
6 course of performing his official duties, to prevent the  
7 performance of his official duties, or in retaliation for  
8 performing his official duties, or the murdered  
9 individual was an inmate at such institution or facility  
10 and was killed on the grounds thereof, or the murdered  
11 individual was otherwise present in such institution or  
12 facility with the knowledge and approval of the chief  
13 administrative officer thereof; or

14 (3) the defendant has been convicted of murdering  
15 two or more individuals under subsection (a) of this  
16 Section or under any law of the United States or of any  
17 state which is substantially similar to subsection (a) of  
18 this Section regardless of whether the deaths occurred  
19 as the result of the same act or of several related or  
20 unrelated acts so long as the deaths were the result of  
21 either an intent to kill more than one person or of  
22 separate acts which the defendant knew would cause death  
23 or create a strong probability of death or great bodily  
24 harm to the murdered individual or another; or

25 (4) the murdered individual was killed as a result  
26 of the hijacking of an airplane, train, ship, bus or  
27 other public conveyance; or

28 (5) the defendant committed the murder pursuant to  
29 a contract, agreement or understanding by which he was to  
30 receive money or anything of value in return for  
31 committing the murder or procured another to commit the  
32 murder for money or anything of value; or

33 (6) the murdered individual was killed in the  
34 course of another felony if:

1           (a) the murdered individual:  
2                 (i) was actually killed by the defendant,  
3                 or  
4                 (ii) received physical injuries  
5                 personally inflicted by the defendant  
6                 substantially contemporaneously with physical  
7                 injuries caused by one or more persons for  
8                 whose conduct the defendant is legally  
9                 accountable under Section 5-2 of this Code, and  
10                the physical injuries inflicted by either the  
11                defendant or the other person or persons for  
12                whose conduct he is legally accountable caused  
13                the death of the murdered individual; and  
14                (b) in performing the acts which caused the  
15                death of the murdered individual or which resulted  
16                in physical injuries personally inflicted by the  
17                defendant on the murdered individual under the  
18                circumstances of subdivision (ii) of subparagraph  
19                (a) of paragraph (6) of subsection (b) of this  
20                Section, the defendant acted with the intent to kill  
21                the murdered individual or with the knowledge that  
22                his acts created a strong probability of death or  
23                great bodily harm to the murdered individual or  
24                another; and  
25                (c) the other felony was one of the following:  
26                armed robbery, armed violence, robbery, predatory  
27                criminal sexual assault of a child, aggravated  
28                criminal sexual assault, aggravated kidnapping,  
29                aggravated vehicular hijacking, forcible detention,  
30                arson, aggravated arson, aggravated stalking,  
31                burglary, residential burglary, home invasion,  
32                calculated criminal drug conspiracy as defined in  
33                Section 405 of the Illinois Controlled Substances  
34                Act, streetgang criminal drug conspiracy as defined

1 in Section 405.2 of the Illinois Controlled  
2 Substances Act, or the attempt to commit any of the  
3 felonies listed in this subsection (c); or

4 (7) the murdered individual was under 12 years of  
5 age and the death resulted from exceptionally brutal or  
6 heinous behavior indicative of wanton cruelty; or

7 (8) the defendant committed the murder with intent  
8 to prevent the murdered individual from testifying in any  
9 criminal prosecution or giving material assistance to the  
10 State in any investigation or prosecution, either against  
11 the defendant or another; or the defendant committed the  
12 murder because the murdered individual was a witness in  
13 any prosecution or gave material assistance to the State  
14 in any investigation or prosecution, either against the  
15 defendant or another; or

16 (9) the defendant, while committing an offense  
17 punishable under Sections 401, 401.1, 401.2, 405, 405.2,  
18 407 or 407.1 or subsection (b) of Section 404 of the  
19 Illinois Controlled Substances Act, or while engaged in a  
20 conspiracy or solicitation to commit such offense,  
21 intentionally killed an individual or counseled,  
22 commanded, induced, procured or caused the intentional  
23 killing of the murdered individual; or

24 (10) the defendant was incarcerated in an  
25 institution or facility of the Department of Corrections  
26 at the time of the murder, and while committing an  
27 offense punishable as a felony under Illinois law, or  
28 while engaged in a conspiracy or solicitation to commit  
29 such offense, intentionally killed an individual or  
30 counseled, commanded, induced, procured or caused the  
31 intentional killing of the murdered individual; or

32 (11) the murder was committed in a cold, calculated  
33 and premeditated manner pursuant to a preconceived plan,  
34 scheme or design to take a human life by unlawful means,

1 and the conduct of the defendant created a reasonable  
2 expectation that the death of a human being would result  
3 therefrom; or

4 (12) the murdered individual was an emergency  
5 medical technician - ambulance, emergency medical  
6 technician - intermediate, emergency medical technician -  
7 paramedic, ambulance driver, or other medical assistance  
8 or first aid personnel, employed by a municipality or  
9 other governmental unit, killed in the course of  
10 performing his official duties, to prevent the  
11 performance of his official duties, or in retaliation for  
12 performing his official duties, and the defendant knew or  
13 should have known that the murdered individual was an  
14 emergency medical technician - ambulance, emergency  
15 medical technician - intermediate, emergency medical  
16 technician - paramedic, ambulance driver, or other  
17 medical assistance or first aid personnel; or

18 (13) the defendant was a principal administrator,  
19 organizer, or leader of a calculated criminal drug  
20 conspiracy consisting of a hierarchical position of  
21 authority superior to that of all other members of the  
22 conspiracy, and the defendant counseled, commanded,  
23 induced, procured, or caused the intentional killing of  
24 the murdered person; or

25 (14) the murder was intentional and involved the  
26 infliction of torture. For the purpose of this Section  
27 torture means the infliction of or subjection to extreme  
28 physical pain, motivated by an intent to increase or  
29 prolong the pain, suffering or agony of the victim; or

30 (15) the murder was committed as a result of the  
31 intentional discharge of a firearm by the defendant from  
32 a motor vehicle and the victim was not present within the  
33 motor vehicle; or

34 (16) the murdered individual was 60 years of age or

1 older and the death resulted from exceptionally brutal or  
2 heinous behavior indicative of wanton cruelty; or

3 (17) the murdered individual was a disabled person  
4 and the defendant knew or should have known that the  
5 murdered individual was disabled. For purposes of this  
6 paragraph (17), "disabled person" means a person who  
7 suffers from a permanent physical or mental impairment  
8 resulting from disease, an injury, a functional disorder,  
9 or a congenital condition that renders the person  
10 incapable of adequately providing for his or her own  
11 health or personal care; or

12 (18) the murder was committed by reason of any  
13 person's activity as a community policing volunteer or to  
14 prevent any person from engaging in activity as a  
15 community policing volunteer; or

16 (19) the murdered individual was subject to an  
17 order of protection and the murder was committed by a  
18 person against whom the same order of protection was  
19 issued under the Illinois Domestic Violence Act of 1986;  
20 or

21 (20) the murdered individual was known by the  
22 defendant to be a teacher or other person employed in any  
23 school and the teacher or other employee is upon the  
24 grounds of a school or grounds adjacent to a school, or  
25 is in any part of a building used for school purposes;  
26 or-

27 (21) the defendant committed the murder in  
28 furtherance of the activities of an organized gang. For  
29 the purposes of this subsection, "organized gang" has the  
30 meaning ascribed to it in Section 10 of the Streetgang  
31 Terrorism Omnibus Prevention Act.

32 (c) Consideration of factors in Aggravation and  
33 Mitigation.

34 The court shall consider, or shall instruct the jury to

1 consider any aggravating and any mitigating factors which are  
2 relevant to the imposition of the death penalty. Aggravating  
3 factors may include but need not be limited to those factors  
4 set forth in subsection (b). Mitigating factors may include  
5 but need not be limited to the following:

6 (1) the defendant has no significant history of  
7 prior criminal activity;

8 (2) the murder was committed while the defendant  
9 was under the influence of extreme mental or emotional  
10 disturbance, although not such as to constitute a defense  
11 to prosecution;

12 (3) the murdered individual was a participant in  
13 the defendant's homicidal conduct or consented to the  
14 homicidal act;

15 (4) the defendant acted under the compulsion of  
16 threat or menace of the imminent infliction of death or  
17 great bodily harm;

18 (5) the defendant was not personally present during  
19 commission of the act or acts causing death.

20 (d) Separate sentencing hearing.

21 Where requested by the State, the court shall conduct a  
22 separate sentencing proceeding to determine the existence of  
23 factors set forth in subsection (b) and to consider any  
24 aggravating or mitigating factors as indicated in subsection  
25 (c). The proceeding shall be conducted:

26 (1) before the jury that determined the defendant's  
27 guilt; or

28 (2) before a jury impanelled for the purpose of the  
29 proceeding if:

30 A. the defendant was convicted upon a plea of  
31 guilty; or

32 B. the defendant was convicted after a trial  
33 before the court sitting without a jury; or

34 C. the court for good cause shown discharges

1           the jury that determined the defendant's guilt; or  
2           (3) before the court alone if the defendant waives  
3           a jury for the separate proceeding.

4           (e) Evidence and Argument.

5           During the proceeding any information relevant to any of  
6           the factors set forth in subsection (b) may be presented by  
7           either the State or the defendant under the rules governing  
8           the admission of evidence at criminal trials. Any  
9           information relevant to any additional aggravating factors or  
10          any mitigating factors indicated in subsection (c) may be  
11          presented by the State or defendant regardless of its  
12          admissibility under the rules governing the admission of  
13          evidence at criminal trials. The State and the defendant  
14          shall be given fair opportunity to rebut any information  
15          received at the hearing.

16          (f) Proof.

17          The burden of proof of establishing the existence of any  
18          of the factors set forth in subsection (b) is on the State  
19          and shall not be satisfied unless established beyond a  
20          reasonable doubt.

21          (g) Procedure - Jury.

22          If at the separate sentencing proceeding the jury finds  
23          that none of the factors set forth in subsection (b) exists,  
24          the court shall sentence the defendant to a term of  
25          imprisonment under Chapter V of the Unified Code of  
26          Corrections. If there is a unanimous finding by the jury  
27          that one or more of the factors set forth in subsection (b)  
28          exist, the jury shall consider aggravating and mitigating  
29          factors as instructed by the court and shall determine  
30          whether the sentence of death shall be imposed. If the jury  
31          determines unanimously that there are no mitigating factors  
32          sufficient to preclude the imposition of the death sentence,  
33          the court shall sentence the defendant to death.

34          Unless the jury unanimously finds that there are no



1 mitigating factors sufficient to preclude the imposition of  
2 the death sentence the court shall sentence the defendant to  
3 a term of imprisonment under Chapter V of the Unified Code of  
4 Corrections.

5 (h) Procedure - No Jury.

6 In a proceeding before the court alone, if the court  
7 finds that none of the factors found in subsection (b)  
8 exists, the court shall sentence the defendant to a term of  
9 imprisonment under Chapter V of the Unified Code of  
10 Corrections.

11 If the Court determines that one or more of the factors  
12 set forth in subsection (b) exists, the Court shall consider  
13 any aggravating and mitigating factors as indicated in  
14 subsection (c). If the Court determines that there are no  
15 mitigating factors sufficient to preclude the imposition of  
16 the death sentence, the Court shall sentence the defendant to  
17 death.

18 Unless the court finds that there are no mitigating  
19 factors sufficient to preclude the imposition of the sentence  
20 of death, the court shall sentence the defendant to a term of  
21 imprisonment under Chapter V of the Unified Code of  
22 Corrections.

23 (i) Appellate Procedure.

24 The conviction and sentence of death shall be subject to  
25 automatic review by the Supreme Court. Such review shall be  
26 in accordance with rules promulgated by the Supreme Court.

27 (j) Disposition of reversed death sentence.

28 In the event that the death penalty in this Act is held  
29 to be unconstitutional by the Supreme Court of the United  
30 States or of the State of Illinois, any person convicted of  
31 first degree murder shall be sentenced by the court to a term  
32 of imprisonment under Chapter V of the Unified Code of  
33 Corrections.

34 In the event that any death sentence pursuant to the

1 sentencing provisions of this Section is declared  
2 unconstitutional by the Supreme Court of the United States or  
3 of the State of Illinois, the court having jurisdiction over  
4 a person previously sentenced to death shall cause the  
5 defendant to be brought before the court, and the court shall  
6 sentence the defendant to a term of imprisonment under  
7 Chapter V of the Unified Code of Corrections.

8 (Source: P.A. 90-213, eff. 1-1-98; 90-651, eff. 1-1-99;  
9 90-668, eff. 1-1-99; 91-357, eff. 7-29-99; 91-434, eff.  
10 1-1-00.)

11 (720 ILCS 5/12-2) (from Ch. 38, par. 12-2)

12 Sec. 12-2. Aggravated assault.

13 (a) A person commits an aggravated assault, when, in  
14 committing an assault, he or she:

15 (1) Uses a deadly weapon or any device manufactured  
16 and designed to be substantially similar in appearance to  
17 a firearm, other than by discharging a firearm in the  
18 direction of another person, a peace officer, a person  
19 summoned or directed by a peace officer, a correctional  
20 officer or a fireman or in the direction of a vehicle  
21 occupied by another person, a peace officer, a person  
22 summoned or directed by a peace officer, a correctional  
23 officer or a fireman while the officer or fireman is  
24 engaged in the execution of any of his official duties,  
25 or to prevent the officer or fireman from performing his  
26 official duties, or in retaliation for the officer or  
27 fireman performing his official duties;

28 (2) Is hooded, robed or masked in such manner as to  
29 conceal his identity or any device manufactured and  
30 designed to be substantially similar in appearance to a  
31 firearm;

32 (3) Knows the individual assaulted to be a teacher  
33 or other person employed in any school and such teacher

1 or other employee is upon the grounds of a school or  
2 grounds adjacent thereto, or is in any part of a building  
3 used for school purposes;

4 (4) Knows the individual assaulted to be a  
5 supervisor, director, instructor or other person employed  
6 in any park district and such supervisor, director,  
7 instructor or other employee is upon the grounds of the  
8 park or grounds adjacent thereto, or is in any part of a  
9 building used for park purposes;

10 (5) Knows the individual assaulted to be a  
11 caseworker, investigator, or other person employed by the  
12 State Department of Public Aid, a County Department of  
13 Public Aid, or the Department of Human Services (acting  
14 as successor to the Illinois Department of Public Aid  
15 under the Department of Human Services Act) and such  
16 caseworker, investigator, or other person is upon the  
17 grounds of a public aid office or grounds adjacent  
18 thereto, or is in any part of a building used for public  
19 aid purposes, or upon the grounds of a home of a public  
20 aid applicant, recipient or any other person being  
21 interviewed or investigated in the employees' discharge  
22 of his duties, or on grounds adjacent thereto, or is in  
23 any part of a building in which the applicant, recipient,  
24 or other such person resides or is located;

25 (6) Knows the individual assaulted to be a peace  
26 officer, or a community policing volunteer, or a fireman  
27 while the officer or fireman is engaged in the execution  
28 of any of his official duties, or to prevent the officer,  
29 community policing volunteer, or fireman from performing  
30 his official duties, or in retaliation for the officer,  
31 community policing volunteer, or fireman performing his  
32 official duties, and the assault is committed other than  
33 by the discharge of a firearm in the direction of the  
34 officer or fireman or in the direction of a vehicle

1 occupied by the officer or fireman;

2 (7) Knows the individual assaulted to be an  
3 emergency medical technician - ambulance, emergency  
4 medical technician - intermediate, emergency medical  
5 technician - paramedic, ambulance driver or other medical  
6 assistance or first aid personnel employed by a  
7 municipality or other governmental unit engaged in the  
8 execution of any of his official duties, or to prevent  
9 the emergency medical technician - ambulance, emergency  
10 medical technician - intermediate, emergency medical  
11 technician - paramedic, ambulance driver, or other  
12 medical assistance or first aid personnel from performing  
13 his official duties, or in retaliation for the emergency  
14 medical technician - ambulance, emergency medical  
15 technician - intermediate, emergency medical technician -  
16 paramedic, ambulance driver, or other medical assistance  
17 or first aid personnel performing his official duties;

18 (8) Knows the individual assaulted to be the  
19 driver, operator, employee or passenger of any  
20 transportation facility or system engaged in the business  
21 of transportation of the public for hire and the  
22 individual assaulted is then performing in such capacity  
23 or then using such public transportation as a passenger  
24 or using any area of any description designated by the  
25 transportation facility or system as a vehicle boarding,  
26 departure, or transfer location;

27 (9) Or the individual assaulted is on or about a  
28 public way, public property, or public place of  
29 accommodation or amusement;

30 (10) Knows the individual assaulted to be an  
31 employee of the State of Illinois, a municipal  
32 corporation therein or a political subdivision thereof,  
33 engaged in the performance of his authorized duties as  
34 such employee;

1           (11) Knowingly and without legal justification,  
2           commits an assault on a physically handicapped person;

3           (12) Knowingly and without legal justification,  
4           commits an assault on a person 60 years of age or older;

5           (13) Discharges a firearm;

6           (14) Knows the individual assaulted to be a  
7           correctional officer, while the officer is engaged in the  
8           execution of any of his or her official duties, or to  
9           prevent the officer from performing his or her official  
10          duties, or in retaliation for the officer performing his  
11          or her official duties; ~~or~~

12          (15) Knows the individual assaulted to be a  
13          correctional employee, while the employee is engaged in  
14          the execution of any of his or her official duties, or to  
15          prevent the employee from performing his or her official  
16          duties, or in retaliation for the employee performing his  
17          or her official duties, and the assault is committed  
18          other than by the discharge of a firearm in the direction  
19          of the employee or in the direction of a vehicle occupied  
20          by the employee; or-

21          (16) Commits the assault in furtherance of the  
22          activities of an organized gang. For the purposes of this  
23          subsection, "organized gang" has the meaning ascribed to  
24          it in Section 10 of the Streetgang Terrorism Omnibus  
25          Prevention Act.

26          (a-5) A person commits an aggravated assault when he or  
27          she knowingly and without lawful justification shines or  
28          flashes a laser gunsight or other laser device that is  
29          attached or affixed to a firearm, or used in concert with a  
30          firearm, so that the laser beam strikes near or in the  
31          immediate vicinity of any person.

32          (b) Sentence.

33          Aggravated assault as defined in paragraphs (1) through  
34          (5) and (7) through (12) of subsection (a) of this Section is

1 a Class A misdemeanor. Aggravated assault as defined in  
2 paragraphs (13), (14), and (15), and (16) of subsection (a)  
3 of this Section and as defined in subsection (a-5) of this  
4 Section is a Class 4 felony. Aggravated assault as defined  
5 in paragraph (6) of subsection (a) of this Section is a Class  
6 A misdemeanor if a firearm is not used in the commission of  
7 the assault. Aggravated assault as defined in paragraph (6)  
8 of subsection (a) of this Section is a Class 4 felony if a  
9 firearm is used in the commission of the assault.  
10 (Source: P.A. 90-406, eff. 8-15-97; 90-651, eff. 1-1-99;  
11 91-672, eff. 1-1-00.)

12 (720 ILCS 5/12-4) (from Ch. 38, par. 12-4)

13 Sec. 12-4. Aggravated Battery.

14 (a) A person who, in committing a battery, intentionally  
15 or knowingly causes great bodily harm, or permanent  
16 disability or disfigurement commits aggravated battery.

17 (b) In committing a battery, a person commits aggravated  
18 battery if he or she:

19 (1) Uses a deadly weapon other than by the  
20 discharge of a firearm;

21 (2) Is hooded, robed or masked, in such manner as  
22 to conceal his identity;

23 (3) Knows the individual harmed to be a teacher or  
24 other person employed in any school and such teacher or  
25 other employee is upon the grounds of a school or grounds  
26 adjacent thereto, or is in any part of a building used  
27 for school purposes;

28 (4) Knows the individual harmed to be a supervisor,  
29 director, instructor or other person employed in any park  
30 district and such supervisor, director, instructor or  
31 other employee is upon the grounds of the park or grounds  
32 adjacent thereto, or is in any part of a building used  
33 for park purposes;

1           (5) Knows the individual harmed to be a caseworker,  
2           investigator, or other person employed by the State  
3           Department of Public Aid, a County Department of Public  
4           Aid, or the Department of Human Services (acting as  
5           successor to the Illinois Department of Public Aid under  
6           the Department of Human Services Act) and such  
7           caseworker, investigator, or other person is upon the  
8           grounds of a public aid office or grounds adjacent  
9           thereto, or is in any part of a building used for public  
10          aid purposes, or upon the grounds of a home of a public  
11          aid applicant, recipient, or any other person being  
12          interviewed or investigated in the employee's discharge  
13          of his duties, or on grounds adjacent thereto, or is in  
14          any part of a building in which the applicant, recipient,  
15          or other such person resides or is located;

16          (6) Knows the individual harmed to be a peace  
17          officer, a community policing volunteer, a correctional  
18          institution employee, or a fireman while such officer,  
19          volunteer, employee or fireman is engaged in the  
20          execution of any official duties including arrest or  
21          attempted arrest, or to prevent the officer, volunteer,  
22          employee or fireman from performing official duties, or  
23          in retaliation for the officer, volunteer, employee or  
24          fireman performing official duties, and the battery is  
25          committed other than by the discharge of a firearm;

26          (7) Knows the individual harmed to be an emergency  
27          medical technician - ambulance, emergency medical  
28          technician - intermediate, emergency medical technician -  
29          paramedic, ambulance driver, other medical assistance,  
30          first aid personnel, or hospital emergency room personnel  
31          engaged in the performance of any of his or her official  
32          duties, or to prevent the emergency medical technician -  
33          ambulance, emergency medical technician - intermediate,  
34          emergency medical technician - paramedic, ambulance

1 driver, other medical assistance, first aid personnel, or  
2 hospital emergency room personnel from performing  
3 official duties, or in retaliation for performing  
4 official duties;

5 (8) Is, or the person battered is, on or about a  
6 public way, public property or public place of  
7 accommodation or amusement;

8 (9) Knows the individual harmed to be the driver,  
9 operator, employee or passenger of any transportation  
10 facility or system engaged in the business of  
11 transportation of the public for hire and the individual  
12 assaulted is then performing in such capacity or then  
13 using such public transportation as a passenger or using  
14 any area of any description designated by the  
15 transportation facility or system as a vehicle boarding,  
16 departure, or transfer location;

17 (10) Knowingly and without legal justification and  
18 by any means causes bodily harm to an individual of 60  
19 years of age or older;

20 (11) Knows the individual harmed is pregnant;

21 (12) Knows the individual harmed to be a judge whom  
22 the person intended to harm as a result of the judge's  
23 performance of his or her official duties as a judge;

24 (13) Knows the individual harmed to be an employee  
25 of the Illinois Department of Children and Family  
26 Services engaged in the performance of his authorized  
27 duties as such employee;

28 (13.5) Commits the battery in furtherance of the  
29 activities of an organized gang. For the purposes of this  
30 subsection, "organized gang" has the meaning ascribed to  
31 it in Section 10 of the Streetgang Terrorism Omnibus  
32 Prevention Act;

33 (14) Knows the individual harmed to be a person who  
34 is physically handicapped; or



1           (15) Knowingly and without legal justification and  
2           by any means causes bodily harm to a merchant who detains  
3           the person for an alleged commission of retail theft  
4           under Section 16A-5 of this Code. In this item (15),  
5           "merchant" has the meaning ascribed to it in Section  
6           16A-2.4 of this Code.

7           For the purpose of paragraph (14) of subsection (b) of  
8           this Section, a physically handicapped person is a person who  
9           suffers from a permanent and disabling physical  
10          characteristic, resulting from disease, injury, functional  
11          disorder or congenital condition.

12          (c) A person who administers to an individual or causes  
13          him to take, without his consent or by threat or deception,  
14          and for other than medical purposes, any intoxicating,  
15          poisonous, stupefying, narcotic, anesthetic, or controlled  
16          substance commits aggravated battery.

17          (d) A person who knowingly gives to another person any  
18          food that contains any substance or object that is intended  
19          to cause physical injury if eaten, commits aggravated  
20          battery.

21          ~~(d-3)~~ ~~(d-5)~~ A person commits aggravated battery when he  
22          or she knowingly and without lawful justification shines or  
23          flashes a laser gunsight or other laser device that is  
24          attached or affixed to a firearm, or used in concert with a  
25          firearm, so that the laser beam strikes upon or against the  
26          person of another.

27          (d-5) An inmate of a penal institution who causes or  
28          attempts to cause a correctional employee of the penal  
29          institution to come into contact with blood, seminal fluid,  
30          urine, or feces, by throwing, tossing, or expelling that  
31          fluid or material commits aggravated battery. For purposes  
32          of this subsection (d-5), "correctional employee" means a  
33          person who is employed by a penal institution.

34          (e) Sentence.

1           Aggravated battery is a Class 3 felony.

2           (Source: P.A. 90-115, eff. 1-1-98; 90-651, eff. 1-1-99;  
3           90-735, eff. 8-11-98; 91-357, eff. 7-29-99; 91-488, eff.  
4           1-1-00; 91-619, eff. 1-1-00; 91-672, eff. 1-1-00; revised  
5           1-7-00.)

6           (720 ILCS 5/12-4.2) (from Ch. 38, par. 12-4.2)

7           Sec. 12-4.2. Aggravated Battery with a firearm.

8           (a) A person commits aggravated battery with a firearm  
9           when he, in committing a battery, knowingly or intentionally  
10           by means of the discharging of a firearm (1) causes any  
11           injury to another person, or (2) causes any injury to a  
12           person he knows to be a peace officer, a community policing  
13           volunteer, a correctional institution employee or a fireman  
14           while the officer, volunteer, employee or fireman is engaged  
15           in the execution of any of his official duties, or to prevent  
16           the officer, volunteer, employee or fireman from performing  
17           his official duties, or in retaliation for the officer,  
18           volunteer, employee or fireman performing his official  
19           duties, or (3) causes any injury to a person he knows to be  
20           an emergency medical technician - ambulance, emergency  
21           medical technician - intermediate, emergency medical  
22           technician - paramedic, ambulance driver, or other medical  
23           assistance or first aid personnel, employed by a municipality  
24           or other governmental unit, while the emergency medical  
25           technician - ambulance, emergency medical technician -  
26           intermediate, emergency medical technician - paramedic,  
27           ambulance driver, or other medical assistance or first aid  
28           personnel is engaged in the execution of any of his official  
29           duties, or to prevent the emergency medical technician -  
30           ambulance, emergency medical technician - intermediate,  
31           emergency medical technician - paramedic, ambulance driver,  
32           or other medical assistance or first aid personnel from  
33           performing his official duties, or in retaliation for the

1 emergency medical technician - ambulance, emergency medical  
2 technician - intermediate, emergency medical technician -  
3 paramedic, ambulance driver, or other medical assistance or  
4 first aid personnel performing his official duties, or (4)  
5 causes any injury to a person he or she knows to be a teacher  
6 or other person employed in a school and the teacher or other  
7 employee is upon grounds of a school or grounds adjacent to a  
8 school, or is in any part of a building used for school  
9 purposes, or (5) commits the battery in furtherance of the  
10 activities of an organized gang. For the purposes of this  
11 subsection, "organized gang" has the meaning ascribed to it  
12 in Section 10 of the Streetgang Terrorism Omnibus Prevention  
13 Act.

14 (b) A violation of subsection (a)(1) of this Section is  
15 a Class X felony. A violation of subsection (a)(2),  
16 subsection (a)(3), or subsection (a)(4), or subsection (a)  
17 (5) of this Section is a Class X felony for which the  
18 sentence shall be a term of imprisonment of no less than 15  
19 years and no more than 60 years.

20 (c) For purposes of this Section, "firearm" is defined  
21 as in "An Act relating to the acquisition, possession and  
22 transfer of firearms and firearm ammunition, to provide a  
23 penalty for the violation thereof and to make an  
24 appropriation in connection therewith", approved August 1,  
25 1967, as amended.

26 (Source: P.A. 90-651, eff. 1-1-99; 91-434, eff. 1-1-00;  
27 91-696, eff. 4-13-00.)