

1 AN ACT in relation to criminal law.

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

4 Section 5. The Criminal Code of 1961 is amended by
5 changing Sections 12-2 and 36-1 and adding Section 12-4.11 as
6 follows:

7 (720 ILCS 5/12-2) (from Ch. 38, par. 12-2)
8 Sec. 12-2. Aggravated assault.

9 (a) A person commits an aggravated assault, when, in
10 committing an assault, he:

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

24 (2) Is hooded, robed or masked in such manner as to
25 conceal his identity or any device manufactured and
26 designed to be substantially similar in appearance to a
27 firearm;

28 (3) Knows the individual assaulted to be a teacher
29 or other person employed in any school and such teacher
30 or other employee is upon the grounds of a school or
31 grounds adjacent thereto, or is in any part of a building

1 used for school purposes;

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

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

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

34 (7) Knows the individual assaulted to be an

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

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

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

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

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

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

3 (13) Discharges a firearm;

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

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

19 (16) Uses a motor vehicle as defined in Section
20 1-146 of the Illinois Vehicle Code.

21 (a-5) A person commits an aggravated assault when he or
22 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 near or in the
26 immediate vicinity of any person.

27 (b) Sentence.

28 Aggravated assault as defined in paragraphs (1) through
29 (5) and (7) through (12) of subsection (a) of this Section is
30 a Class A misdemeanor. Aggravated assault as defined in
31 paragraphs (13), (14), and (15) of subsection (a) of this
32 Section and as defined in subsection (a-5) of this Section is
33 a Class 4 felony. Aggravated assault as defined in paragraph
34 (16) of subsection (a) of this Section is a Class 3 felony.

1 Aggravated assault as defined in paragraph (6) of subsection
 2 (a) of this Section is a Class A misdemeanor if a firearm is
 3 not used in the commission of the assault. Aggravated
 4 assault as defined in paragraph (6) of subsection (a) of this
 5 Section is a Class 4 felony if a firearm is used in the
 6 commission of the assault.

7 (Source: P.A. 90-406, eff. 8-15-97; 90-651, eff. 1-1-99;
 8 91-672, eff. 1-1-00.)

9 (720 ILCS 5/12-4.11 new)

10 Sec. 12-4.11. Aggravated battery with a motor vehicle.

11 (a) A person commits aggravated battery with a motor
 12 vehicle when he or she, in committing a battery, knowingly or
 13 intentionally causes great bodily harm or permanent
 14 disability or disfigurement by means of the operation or use
 15 of a motor vehicle.

16 (b) For the purpose of this Section, "motor vehicle" has
 17 the meaning ascribed to it in Section 1-146 of the Illinois
 18 Vehicle Code.

19 (c) Sentence. Aggravated battery with a motor vehicle is
 20 a Class 1 felony.

21 (720 ILCS 5/36-1) (from Ch. 38, par. 36-1)

22 Sec. 36-1. Seizure. Any vessel, vehicle or aircraft
 23 used with the knowledge and consent of the owner in the
 24 commission of, or in the attempt to commit as defined in
 25 Section 8-4 of this Code, an offense prohibited by (a)
 26 Section 9-1, 9-3, 10-2, 11-6, 11-15.1, 11-19.1, 11-19.2,
 27 11-20.1, 12-4.11, 12-7.3, 12-7.4, 12-13, 12-14, 18-2, 19-1,
 28 19-2, 19-3, 20-1, 20-2, 24-1.2, 24-1.5, or 28-1 of this Code,
 29 or paragraph (a) of Section 12-15 of this Code, paragraph ~~or~~
 30 paragraphs (a), (c), or (d) of Section 12-16 of this Code, or
 31 paragraph (16) of subsection (a) of Section 12-2 of this
 32 Code; (b) Section 21, 22, 23, 24 or 26 of the Cigarette Tax

1 Act if the vessel, vehicle or aircraft contains more than 10
2 cartons of such cigarettes; (c) Section 28, 29 or 30 of the
3 Cigarette Use Tax Act if the vessel, vehicle or aircraft
4 contains more than 10 cartons of such cigarettes; (d) Section
5 44 of the Environmental Protection Act; (e) 11-204.1 of the
6 Illinois Vehicle Code; or (f) the offenses described in the
7 following provisions of the Illinois Vehicle Code: Section
8 11-501 subdivisions (c-1)(1), (c-1)(2), (c-1)(3), (d)(1)(A),
9 or (d)(1)(D); may be seized and delivered forthwith to the
10 sheriff of the county of seizure.

11 Within 15 days after such delivery the sheriff shall give
12 notice of seizure to each person according to the following
13 method: Upon each such person whose right, title or interest
14 is of record in the office of the Secretary of State, the
15 Secretary of Transportation, the Administrator of the Federal
16 Aviation Agency, or any other Department of this State, or
17 any other state of the United States if such vessel, vehicle
18 or aircraft is required to be so registered, as the case may
19 be, by mailing a copy of the notice by certified mail to the
20 address as given upon the records of the Secretary of State,
21 the Department of Aeronautics, Department of Public Works and
22 Buildings or any other Department of this State or the United
23 States if such vessel, vehicle or aircraft is required to be
24 so registered. Within that 15 day period the sheriff shall
25 also notify the State's Attorney of the county of seizure
26 about the seizure.

27 In addition, any mobile or portable equipment used in the
28 commission of an act which is in violation of Section 7g of
29 the Metropolitan Water Reclamation District Act shall be
30 subject to seizure and forfeiture under the same procedures
31 provided in this Article for the seizure and forfeiture of
32 vessels, vehicles and aircraft, and any such equipment shall
33 be deemed a vessel, vehicle or aircraft for purposes of this
34 Article.

1 When a person discharges a firearm at another individual
2 from a vehicle with the knowledge and consent of the owner of
3 the vehicle and with the intent to cause death or great
4 bodily harm to that individual and as a result causes death
5 or great bodily harm to that individual, the vehicle shall be
6 subject to seizure and forfeiture under the same procedures
7 provided in this Article for the seizure and forfeiture of
8 vehicles used in violations of clauses (a), (b), (c), or (d)
9 of this Section.

10 If the spouse of the owner of a vehicle seized for a
11 violation of subdivision (c-1)(1), (c-1)(2), (c-1)(3),
12 (d)(1)(A), or (d)(1)(D) of Section 11-501 of the Illinois
13 Vehicle Code or Section 9-3 of this Code makes a showing that
14 the seized vehicle is the only source of transportation and
15 it is determined that the financial hardship to the family as
16 a result of the seizure outweighs the benefit to the State
17 from the seizure, the vehicle may be forfeited to the spouse
18 or family member and the title to the vehicle shall be
19 transferred to the spouse or family member who is properly
20 licensed and who requires the use of the vehicle for
21 employment or family transportation purposes. A written
22 declaration of forfeiture of a vehicle under this Section
23 shall be sufficient cause for the title to be transferred to
24 the spouse or family member. The provisions of this
25 paragraph shall apply only to one forfeiture per vehicle. If
26 the vehicle is the subject of a subsequent forfeiture
27 proceeding by virtue of a subsequent conviction of either
28 spouse or the family member, the spouse or family member to
29 whom the vehicle was forfeited under the first forfeiture
30 proceeding may not utilize the provisions of this paragraph
31 in another forfeiture proceeding. If the owner of the
32 vehicle seized owns more than one vehicle, the procedure set
33 out in this paragraph may be used for only one vehicle.

34 Property declared contraband under Section 40 of the

1 Illinois Streetgang Terrorism Omnibus Prevention Act may be
2 seized and forfeited under this Article.

3 (Source: P.A. 90-134, eff. 7-22-97; 90-216, eff. 1-1-98;
4 90-655, eff. 7-30-98; 90-738, eff. 1-1-99; 91-876, eff.
5 1-1-01.)