

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 12-4 as follows:

6 (720 ILCS 5/12-2) (from Ch. 38, par. 12-2)
7 Sec. 12-2. Aggravated assault.

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

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

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

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

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

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

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

33 (7) Knows the individual assaulted to be an
34 emergency medical technician - ambulance, emergency

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

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

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

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

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

34 (12) Knowingly and without legal justification,

1 commits an assault on a person 60 years of age or older;

2 (13) Discharges a firearm;

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

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

18 (16) Knows the individual assaulted to be an
19 employee of a police or sheriff's department engaged in
20 the performance of his or her authorized duties as such
21 employee.

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

28 (b) Sentence.

29 Aggravated assault as defined in paragraphs (1) through
30 (5) and (8) ~~(7)~~ through (12) of subsection (a) of this
31 Section is a Class A misdemeanor. Aggravated assault as
32 defined in paragraphs (13), (14), and (15) of subsection (a)
33 of this Section and as defined in subsection (a-5) of this
34 Section is a Class 4 felony. Aggravated assault as defined

1 in ~~paragraphs~~ paragraph (6), (7), and (16) of subsection (a)
2 of this Section is a Class A misdemeanor if a firearm is not
3 used in the commission of the assault. Aggravated assault as
4 defined in ~~paragraphs~~ paragraph (6), (7), and (16) of
5 subsection (a) of this Section is a Class 4 felony if a
6 firearm is used in the 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) (from Ch. 38, par. 12-4)
10 Sec. 12-4. Aggravated Battery.

11 (a) A person who, in committing a battery, intentionally
12 or knowingly causes great bodily harm, or permanent
13 disability or disfigurement commits aggravated battery.

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

16 (1) Uses a deadly weapon other than by the
17 discharge of a firearm;

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

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

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

31 (5) Knows the individual harmed to be a caseworker,
32 investigator, or other person employed by the State
33 Department of Public Aid, a County Department of Public

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

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

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

1 official duties;

2 (8) Is, or the person battered is, on or about a
3 public way, public property or public place of
4 accommodation or amusement;

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

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

17 (11) Knows the individual harmed is pregnant;

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

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

25 (14) Knows the individual harmed to be a person who
26 is physically handicapped;

27 (15) Knowingly and without legal justification and
28 by any means causes bodily harm to a merchant who detains
29 the person for an alleged commission of retail theft
30 under Section 16A-5 of this Code. In this item (15),
31 "merchant" has the meaning ascribed to it in Section
32 16A-2.4 of this Code; or

33 (16) Is, or the person battered is, in any building
34 or other structure used to provide shelter or other

1 services to victims or to the dependent children of
2 victims of domestic violence pursuant to the Illinois
3 Domestic Violence Act of 1986 or the Domestic Violence
4 Shelters Act, or the person battered is within 500 feet
5 of such a building or other structure while going to or
6 from such a building or other structure. "Domestic
7 violence" has the meaning ascribed to it in Section 103
8 of the Illinois Domestic Violence Act of 1986. "Building
9 or other structure used to provide shelter" has the
10 meaning ascribed to "shelter" in Section 1 of the
11 Domestic Violence Shelters Act; or-

12 (17) Knows the individual harmed to be an employee
13 of a police or sheriff's department in the performance of
14 his or her authorized duties as such employee.

15 For the purpose of paragraph (14) of subsection (b) of
16 this Section, a physically handicapped person is a person who
17 suffers from a permanent and disabling physical
18 characteristic, resulting from disease, injury, functional
19 disorder or congenital condition.

20 (c) A person who administers to an individual or causes
21 him to take, without his consent or by threat or deception,
22 and for other than medical purposes, any intoxicating,
23 poisonous, stupefying, narcotic, anesthetic, or controlled
24 substance commits aggravated battery.

25 (d) A person who knowingly gives to another person any
26 food that contains any substance or object that is intended
27 to cause physical injury if eaten, commits aggravated
28 battery.

29 (d-3) A person commits aggravated battery when he or she
30 knowingly and without lawful justification shines or flashes
31 a laser gunsight or other laser device that is attached or
32 affixed to a firearm, or used in concert with a firearm, so
33 that the laser beam strikes upon or against the person of
34 another.

1 (d-5) An inmate of a penal institution who causes or
2 attempts to cause a correctional employee of the penal
3 institution to come into contact with blood, seminal fluid,
4 urine, or feces, by throwing, tossing, or expelling that
5 fluid or material commits aggravated battery. For purposes
6 of this subsection (d-5), "correctional employee" means a
7 person who is employed by a penal institution.

8 (e) Sentence.

9 Aggravated battery is a Class 3 felony.

10 (Source: P.A. 91-357, eff. 7-29-99; 91-488, eff. 1-1-00;
11 91-619, eff. 1-1-00; 91-672, eff. 1-1-00; 92-16, eff.
12 6-28-01; 92-516, eff. 1-1-02.)