

1 AMENDMENT TO HOUSE BILL 4179

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 4179 as follows:

3 on page 1, line 5, by changing "Section 12-2" to "Sections  
4 12-2 and 12-4"; and

5 on page 3, by replacing lines 3 through 5 with the following:  
6 "assistance or first aid personnel ~~employed-by-a-municipality~~  
7 ~~or-ether-governmental-unit~~ engaged in the execution of any of  
8 his official duties, or to prevent"; and

9 on page 4, line 8, by replacing "or" with "or"; and

10 on page 4, line 17, by replacing "." with the following:

11 "or;  
12 (16) Knows the individual assaulted to be an  
13 employee of a police or sheriff's department engaged in  
14 the performance of his or her authorized duties as such  
15 employee."; and

16 on page 4, line 31, by changing "(6) and (7)" to "(6), (7),  
17 and (16)"; and

18 on page 4, line 34, by changing "(6) and (7)" to "(6), (7),  
19 and (16)"; and

20 on page 5, by inserting below line 4 the following:

1           "(720 ILCS 5/12-4) (from Ch. 38, par. 12-4)  
2           Sec. 12-4. Aggravated Battery.

3           (a) A person who, in committing a battery, intentionally  
4 or knowingly causes great bodily harm, or permanent  
5 disability or disfigurement commits aggravated battery.

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

8                 (1) Uses a deadly weapon other than by the  
9 discharge of a firearm;

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

12                (3) Knows the individual harmed to be a teacher or  
13 other person employed in any school and such teacher or  
14 other employee is upon the grounds of a school or grounds  
15 adjacent thereto, or is in any part of a building used  
16 for school purposes;

17                (4) Knows the individual harmed to be a supervisor,  
18 director, instructor or other person employed in any park  
19 district and such supervisor, director, instructor or  
20 other employee is upon the grounds of the park or grounds  
21 adjacent thereto, or is in any part of a building used  
22 for park purposes;

23                (5) Knows the individual harmed to be a caseworker,  
24 investigator, or other person employed by the State  
25 Department of Public Aid, a County Department of Public  
26 Aid, or the Department of Human Services (acting as  
27 successor to the Illinois Department of Public Aid under  
28 the Department of Human Services Act) and such  
29 caseworker, investigator, or other person is upon the  
30 grounds of a public aid office or grounds adjacent  
31 thereto, or is in any part of a building used for public  
32 aid purposes, or upon the grounds of a home of a public  
33 aid applicant, recipient, or any other person being  
34 interviewed or investigated in the employee's discharge

1 of his duties, or on grounds adjacent thereto, or is in  
2 any part of a building in which the applicant, recipient,  
3 or other such person resides or is located;

4 (6) Knows the individual harmed to be a peace  
5 officer, a community policing volunteer, a correctional  
6 institution employee, or a fireman while such officer,  
7 volunteer, employee or fireman is engaged in the  
8 execution of any official duties including arrest or  
9 attempted arrest, or to prevent the officer, volunteer,  
10 employee or fireman from performing official duties, or  
11 in retaliation for the officer, volunteer, employee or  
12 fireman performing official duties, and the battery is  
13 committed other than by the discharge of a firearm;

14 (7) Knows the individual harmed to be an emergency  
15 medical technician - ambulance, emergency medical  
16 technician - intermediate, emergency medical technician -  
17 paramedic, ambulance driver, other medical assistance,  
18 first aid personnel, or hospital emergency room personnel  
19 engaged in the performance of any of his or her official  
20 duties, or to prevent the emergency medical technician -  
21 ambulance, emergency medical technician - intermediate,  
22 emergency medical technician - paramedic, ambulance  
23 driver, other medical assistance, first aid personnel, or  
24 hospital emergency room personnel from performing  
25 official duties, or in retaliation for performing  
26 official duties;

27 (8) Is, or the person battered is, on or about a  
28 public way, public property or public place of  
29 accommodation or amusement;

30 (9) Knows the individual harmed to be the driver,  
31 operator, employee or passenger of any transportation  
32 facility or system engaged in the business of  
33 transportation of the public for hire and the individual  
34 assaulted is then performing in such capacity or then

1 using such public transportation as a passenger or using  
2 any area of any description designated by the  
3 transportation facility or system as a vehicle boarding,  
4 departure, or transfer location;

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

8 (11) Knows the individual harmed is pregnant;

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

12 (13) Knows the individual harmed to be an employee  
13 of the Illinois Department of Children and Family  
14 Services engaged in the performance of his authorized  
15 duties as such employee;

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

18 (15) Knowingly and without legal justification and  
19 by any means causes bodily harm to a merchant who detains  
20 the person for an alleged commission of retail theft  
21 under Section 16A-5 of this Code. In this item (15),  
22 "merchant" has the meaning ascribed to it in Section  
23 16A-2.4 of this Code; or

24 (16) Is, or the person battered is, in any building  
25 or other structure used to provide shelter or other  
26 services to victims or to the dependent children of  
27 victims of domestic violence pursuant to the Illinois  
28 Domestic Violence Act of 1986 or the Domestic Violence  
29 Shelters Act, or the person battered is within 500 feet  
30 of such a building or other structure while going to or  
31 from such a building or other structure. "Domestic  
32 violence" has the meaning ascribed to it in Section 103  
33 of the Illinois Domestic Violence Act of 1986. "Building  
34 or other structure used to provide shelter" has the

1 meaning ascribed to "shelter" in Section 1 of the  
2 Domestic Violence Shelters Act; or-

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

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

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

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

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

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

33 (e) Sentence.

34 Aggravated battery is a Class 3 felony.

1 (Source: P.A. 91-357, eff. 7-29-99; 91-488, eff. 1-1-00;  
2 91-619, eff. 1-1-00; 91-672, eff. 1-1-00; 92-16, eff.  
3 6-28-01; 92-516, eff. 1-1-02.)".