

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 Section 12-4 as follows:

6 (720 ILCS 5/12-4) (from Ch. 38, par. 12-4)

7 Sec. 12-4. Aggravated Battery.

8 (a) A person who, in committing a battery, intentionally
9 or knowingly causes great bodily harm, or permanent
10 disability or disfigurement commits aggravated battery.

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

13 (1) Uses a deadly weapon other than by the
14 discharge of a firearm;

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

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

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

28 (5) Knows the individual harmed to be a caseworker,
29 investigator, or other person employed by the State
30 Department of Public Aid, a County Department of Public
31 Aid, or the Department of Human Services (acting as

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

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

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

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

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

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

16 (11) Knows the individual harmed is pregnant;

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

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

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

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

32 (16) Is, or the person battered is, in any building
33 or other structure used to provide shelter or other
34 services to victims or to the dependent children of

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

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

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

21 (d) A person who knowingly gives to another person any
 22 food that contains any substance or object that is intended
 23 to cause physical injury if eaten, commits aggravated
 24 battery.

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

31 (d-5) An inmate of a penal institution who causes or
 32 attempts to cause a correctional employee of the penal
 33 institution to come into contact with blood, seminal fluid,
 34 urine, or feces, by throwing, tossing, or expelling that

1 fluid or material commits aggravated battery. For purposes
2 of this subsection (d-5), "correctional employee" means a
3 person who is employed by a penal institution.

4 (e) Sentence.

5 Aggravated battery is a Class 3 felony.

6 (Source: P.A. 90-115, eff. 1-1-98; 90-651, eff. 1-1-99;
7 90-735, eff. 8-11-98; 91-357, eff. 7-29-99; 91-488, eff.
8 1-1-00; 91-619, eff. 1-1-00; 91-672, eff. 1-1-00; revised
9 1-7-00.)

10 Section 99. Effective date. This Act takes effect upon
11 becoming law.