

1 AN ACT concerning 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 12-3.2 and 12-21.6 as follows:

6 (720 ILCS 5/12-3.2) (from Ch. 38, par. 12-3.2)

7 (Text of Section before amendment by P.A. 91-928)

8 Sec. 12-3.2. Domestic Battery.

9 (a) A person commits domestic battery if he
10 intentionally or knowingly without legal justification by any
11 means:

12 (1) Causes bodily harm to any family or household
13 member as defined in subsection (3) of Section 112A-3 of
14 the Code of Criminal Procedure of 1963, as amended;

15 (2) Makes physical contact of an insulting or
16 provoking nature with any family or household member as
17 defined in subsection (3) of Section 112A-3 of the Code
18 of Criminal Procedure of 1963, as amended.

19 (b) Sentence. Domestic battery is a Class A
20 Misdemeanor. Domestic battery is a Class 4 felony if the
21 defendant has any prior conviction under this Code for
22 domestic battery (Section 12-3.2) or violation of an order of
23 protection (Section 12-30). Domestic battery is a Class 4
24 felony if the defendant has any prior conviction under this
25 Code for aggravated battery (Section 12-4), stalking (Section
26 12-7.3), aggravated stalking (Section 12-7.4), unlawful
27 restraint (Section 10-3), or aggravated unlawful restraint
28 (Section 10-3.1), when any of these offenses have been
29 committed against a family or household member as defined in
30 Section 112A-3 of the Code of Criminal Procedure of 1963. In
31 addition to any other sentencing alternatives, for any second

1 conviction of violating this Section within 5 years of a
 2 previous conviction for violating this Section, the offender
 3 shall be mandatorily sentenced to a minimum of 48 consecutive
 4 hours of imprisonment. The imprisonment shall not be subject
 5 to suspension, nor shall the person be eligible for probation
 6 in order to reduce the sentence.

7 (c) For any conviction for domestic battery, if a person
 8 under 18 years of age who is the child of the offender or of
 9 the victim was present and witnessed the domestic battery of
 10 the victim, the defendant is liable for the cost of any
 11 counseling required for the child at the discretion of the
 12 court in accordance with subsection (b) of Section 5-5-6 of
 13 the Unified Code of Corrections.

14 (Source: P.A. 90-734, eff. 1-1-99; 91-112, eff. 10-1-99;
 15 91-262, eff. 1-1-00; revised 10-7-99.)

16 (Text of Section after amendment by P.A. 91-928)

17 Sec. 12-3.2. Domestic Battery.

18 (a) A person commits domestic battery if he
 19 intentionally or knowingly without legal justification by any
 20 means:

21 (1) Causes bodily harm to any family or household
 22 member as defined in subsection (3) of Section 112A-3 of
 23 the Code of Criminal Procedure of 1963, as amended;

24 (2) Makes physical contact of an insulting or
 25 provoking nature with any family or household member as
 26 defined in subsection (3) of Section 112A-3 of the Code
 27 of Criminal Procedure of 1963, as amended.

28 (b) Sentence. Domestic battery is a Class A
 29 Misdemeanor. Domestic battery is a Class 4 felony if the
 30 domestic battery is committed against a family or household
 31 member and a family or household member who, at the time of
 32 the commission of the offense, is a child under 18 years of
 33 age is present when the domestic battery occurs. Domestic
 34 battery is a Class 4 felony if the defendant has any prior

1 conviction under this Code for domestic battery (Section
2 12-3.2) or violation of an order of protection (Section
3 12-30). Domestic battery is a Class 4 felony if the defendant
4 has any prior conviction under this Code for aggravated
5 battery (Section 12-4), stalking (Section 12-7.3), aggravated
6 stalking (Section 12-7.4), unlawful restraint (Section 10-3),
7 or aggravated unlawful restraint (Section 10-3.1), when any
8 of these offenses have been committed against a family or
9 household member as defined in Section 112A-3 of the Code of
10 Criminal Procedure of 1963. In addition to any other
11 sentencing alternatives, for any second conviction of
12 violating this Section within 5 years of a previous
13 conviction for violating this Section, the offender shall be
14 mandatorily sentenced to a minimum of 48 consecutive hours of
15 imprisonment. The imprisonment shall not be subject to
16 suspension, nor shall the person be eligible for probation in
17 order to reduce the sentence.

18 (c) Domestic battery committed in the presence of a
19 child. In addition to any other sentencing alternatives, a
20 defendant who commits, in the presence of a child, a felony
21 domestic battery (enhanced under subsection (b)), aggravated
22 domestic battery (Section 12-3.3), aggravated battery
23 (Section 12-4), unlawful restraint (Section 10-3), or
24 aggravated unlawful restraint (Section 10-3.1) against a
25 family or household member, as defined in Section 112A-3 of
26 the Code of Criminal Procedure of 1963, shall be required to
27 serve a mandatory minimum imprisonment of 10 days or perform
28 300 hours of community service, or both. The defendant shall
29 further be liable for the cost of any counseling required for
30 the child at the discretion of the court in accordance with
31 subsection (b) of Section 5-5-6 of the Unified Code of
32 Corrections. For purposes of this Section, "child" means a
33 person under 16 years of age who is the defendant's or
34 victim's child or step-child or who is a minor child residing

1 within the household of the defendant or victim. For
2 purposes of this Section, "in the presence of a child" means
3 in the physical presence of a child or knowing or having
4 reason to know that a child is present and may see or hear an
5 act constituting one of the offenses listed in this
6 subsection.

7 (Source: P.A. 90-734, eff. 1-1-99; 91-112, eff. 10-1-99;
8 91-262, eff. 1-1-00; 91-928, eff. 6-1-01.)

9 (720 ILCS 5/12-21.6)

10 Sec. 12-21.6. Endangering the life or health of a child.

11 (a) It is unlawful for any person to willfully cause or
12 permit the life or health of a child under the age of 18 to
13 be endangered or to willfully cause or permit a child to be
14 placed in circumstances that endanger the child's life or
15 health.

16 (a-5) It is unlawful for any person to willfully permit
17 a child under 18 years of age to witness a domestic battery
18 committed against a family or household member.

19 (b) A violation of this Section is a Class A
20 misdemeanor. A second or subsequent violation of this
21 Section is a Class 3 felony. A violation of this Section
22 that is a proximate cause of the death of the child is a
23 Class 3 felony for which a person, if sentenced to a term of
24 imprisonment, shall be sentenced to a term of not less than 2
25 years and not more than 10 years.

26 (Source: P.A. 90-687, eff. 7-31-98.)

27 Section 95. No acceleration or delay. Where this Act
28 makes changes in a statute that is represented in this Act by
29 text that is not yet or no longer in effect (for example, a
30 Section represented by multiple versions), the use of that
31 text does not accelerate or delay the taking effect of (i)
32 the changes made by this Act or (ii) provisions derived from

1 any other Public Act.