

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 12-2 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 or she:

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 or her official
20 duties, or to prevent the officer or fireman from
21 performing his or her official duties, or in retaliation
22 for the officer or fireman performing his or her official
23 duties;

24 (2) Is hooded, robed or masked in such manner as to
25 conceal his or her identity or any device manufactured
26 and designed to be substantially similar in appearance to
27 a 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 or her duties, or on grounds adjacent thereto, or
21 is in any part of a building in which the applicant,
22 recipient, 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 or her official duties, or to prevent the
27 officer, community policing volunteer, or fireman from
28 performing his or her official duties, or in retaliation
29 for the officer, community policing volunteer, or fireman
30 performing his or her official duties, and the assault is
31 committed other than by the discharge of a firearm in the
32 direction of the officer or fireman or in the direction
33 of a vehicle 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 or her official duties, or to
7 prevent the emergency medical technician - ambulance,
8 emergency medical technician - intermediate, emergency
9 medical technician - paramedic, ambulance driver, or
10 other medical assistance or first aid personnel from
11 performing his or her official duties, or in retaliation
12 for the emergency medical technician - ambulance,
13 emergency medical technician - intermediate, emergency
14 medical technician - paramedic, ambulance driver, or
15 other medical assistance or first aid personnel
16 performing his or her official duties;

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

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

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

34 (11) Knowingly and without legal justification,

1 commits an assault on a physically handicapped person;

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

4 (13) Discharges a firearm;

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

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

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

26 (b) Sentence.

27 Aggravated assault as defined in paragraphs (1) through
28 (5) and ~~(8) (7)~~ through (12) of subsection (a) of this
29 Section is a Class A misdemeanor. Aggravated assault as
30 defined in paragraphs (13), (14), and (15) of subsection (a)
31 of this Section and as defined in subsection (a-5) of this
32 Section is a Class 4 felony. Aggravated assault as defined
33 in ~~paragraphs~~ paragraph (6) ~~and (7)~~ of subsection (a) of this
34 Section is a Class A misdemeanor if a firearm is not used in

1 the commission of the assault. Aggravated assault as defined
2 in ~~paragraphs~~ paragraph (6) and (7) of subsection (a) of this
3 Section is a Class 4 felony if a firearm is used in the
4 commission of the assault.

5 (Source: P.A. 90-406, eff. 8-15-97; 90-651, eff. 1-1-99;
6 91-672, eff. 1-1-00.)

7 Section 99. Effective date. This Act takes effect upon
8 becoming law.