

720 ILCS 5/12-0.1

DEFINITIONS

Sec. 12-0.1. Definitions. In this Article, unless the context clearly requires otherwise:

"Bona fide labor dispute" means any controversy concerning wages, salaries, hours, working conditions, or benefits, including health and welfare, sick leave, insurance, and pension or retirement provisions, the making or maintaining of collective bargaining agreements, and the terms to be included in those agreements.

"Coach" means a person recognized as a coach by the sanctioning authority that conducts an athletic contest.

"Correctional institution employee" means a person employed by a penal institution.

"Emergency medical Services Personnel technician" has the meaning specified in Section 3.5 of the Emergency Medical Services (EMS) Systems Act and shall include all ambulance crew members, including drivers or pilots ~~includes a paramedic, ambulance driver, first aid worker, hospital worker, or other medical assistance worker.~~

"Family or household members" include spouses, former spouses, parents, children, stepchildren, and other persons related by blood or by present or prior marriage, persons who share or formerly shared a common dwelling, persons who have or allegedly have a child in common, persons who share or allegedly share a blood relationship through a child, persons who have or have had a dating or engagement relationship, persons with disabilities and their personal assistants, and caregivers as defined in Section 12-4.4a of this Code. For purposes of this Article, neither a casual acquaintanceship nor ordinary fraternization between 2 individuals in business or social contexts shall be deemed to constitute a dating relationship.

"In the presence of a child" means in the physical presence of a child or knowing or having reason to know that a child is present and may see or hear an act constituting an offense. "Park district employee" means a supervisor, director, instructor, or other person employed by a park district.

"Person with a physical disability ~~Physically handicapped person~~" means a person who suffers from a permanent and disabling physical characteristic, resulting from disease, injury, functional disorder, or congenital condition. Public Act 99-0143

"Private security officer" means a registered employee of a private security contractor agency under the Private Detective, Private Alarm, Private Security, Fingerprint Vendor, and Locksmith Act of 2004.

"Probation officer" means a person as defined in the Probation and Probation Officers Act.

"Sports official" means a person at an athletic contest who enforces the rules of the contest, such as an umpire or referee.

"Sports venue" means a publicly or privately owned sports or entertainment arena, stadium, community or convention hall, special event center, or amusement facility, or a special event center in a public park, during the 12 hours before or after the sanctioned sporting event.

"Streetgang", **"streetgang member"**, and **"criminal street gang"** have the meanings ascribed to those terms in Section 10 of the Illinois Streetgang Terrorism Omnibus Prevention Act. "Transit employee" means a driver, operator, or employee of any transportation facility or system engaged in the business of transporting the public for hire.

"Transit passenger" means a passenger of any transportation facility or system engaged in the business of transporting the public for hire, including a passenger using any area designated by a transportation facility or system as a vehicle boarding, departure, or transfer location.

"Utility worker" means any of the following: (1) A person employed by a public utility as defined in Section 3-105 of the Public Utilities Act. (2) An employee of a municipally owned utility. (3) An employee of a cable television company. (4) An employee of an electric cooperative as defined in Section 3-119 of the Public Utilities Act. (5) An independent contractor or an employee of an independent contractor working on behalf of a cable television company, public utility, municipally owned utility, or electric cooperative. (6) An employee of a telecommunications carrier as defined in Section 13-202 of the Public Utilities Act, or an independent contractor or an employee of an independent contractor working on behalf of a telecommunications carrier. (7) An employee of a telephone or telecommunications cooperative as defined in Section 13-212 of the Public Utilities Act, or an independent contractor or an employee of an independent contractor working on behalf of a telephone or telecommunications cooperative.

This subsection was amended by Public Act 99-0143; (Eff: 1-1-16) **and by Public Act 99-816; (Eff: 8-15-16).**

720 ILCS 5/ 12-1(a)

ASSAULT

In violation of SECTION 12-1(a) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), knowingly shook and swung his fist¹ at Don Smith, thereby placing Don Smith in reasonable apprehension of receiving a battery.

¹or any conduct which places another in reasonable apprehension of receiving a battery

NOTE: The phrase "without lawful authority" has been deleted. See Appendix B for an explanation.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: Codified - Laws 1961, p.1983 (January 1, 1962); Amended - P.A. 77-2638, 88-558, 89-8 and 96-1551.

CHARGE: Misdemeanor (Class C)

BOND: \$120

720 ILCS 5/ 12-2(a)

AGGRAVATED ASSAULT

In violation of SECTION 12-2(a) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense) , in the State of Illinois and the County of , defendant, (defendant's name), in committing an assault, in violation of Section 12-1 of Act 5 of Chapter 720 of the Illinois Compiled Statutes, knowingly, while Don Smith was at the Union City Hotel, a public place of accommodation,¹ shook and swung his fist at Don Smith, thereby placing Don Smith in reasonable apprehension of receiving a battery.

¹or on or about a public place of amusement, a public way, public property, or on or about a sports venue

NOTE: The phrase "without lawful authority" has been deleted. See Appendix B for an explanation.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: Codified - Laws 1961, p.1983 (January 1, 1962); Amended - Laws 1961, p.2457; Laws 1965, p.294; Laws 1965, p.854; Laws 1967, p.341; Laws 1967, p.2595; Laws 1967, p.3514; Laws 1967, p.3608; Laws 1968, p.99; Laws 1968, p.166; P.A.s 76-835, 77-2638, 85-691, 85-780, 85-804, 85-1209, 86-1393, 87-921, 88-311, 88-433, 88-467, 88-670, 89-507, 90-406, 91-672, 92-841, 94-243, 94-482, 95-236, 96-201, 96-1109, 1398, 96-1551, 97-225, 97-313, and 97-333.

CHARGE: Misdemeanor (Class A)

BOND: \$1,500

720 ILCS 5/ 12-2(b)(1)

AGGRAVATED ASSAULT

In violation of SECTION 12-2(b)(1) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), while committing an assault upon Don Smith in violation of Section 12-1 of Act 5 of Chapter 720 of the Illinois Compiled Statutes, knowingly swung his fist at Don Smith and thereby placed Don Smith in reasonable apprehension of receiving a battery, knowing Don Smith is a person 60 years of age or older¹.

¹or was a person with a physical disability

NOTE: The phrase "without lawful authority" has been deleted. See Appendix B for an explanation.

NOTE: This subsection of Aggravated Assault is based upon the status of the victim.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: Amended and re-numbered by Public Act 96-1551; Eff: 7-1-11.

This subsection was amended by Public Act 99-0143. Effective: 1-1-16.

CHARGE: Misdemeanor (Class A)

BOND: \$1,500

720 ILCS 5/ 12-2(b)(2)

AGGRAVATED ASSAULT

In violation of SECTION 12-2(b)(2) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), knowing Don Smith to be a teacher¹ at the Union City Elementary School and while Don Smith was located on the grounds² of Union City Elementary School, committed an assault upon Don Smith, in violation of Section 12-1 of Act 5 of Chapter 720 of the Illinois Compiled Statutes, in that said defendant shook and swung his fist at Don Smith, thereby placing Don Smith in reasonable apprehension of receiving a battery.

¹ or school employee; ²or grounds adjacent to the school or in any part of a building used for school purposes

NOTE: The phrase "without lawful authority" has been deleted. See Appendix B for an explanation.

NOTE: This subsection of Aggravated Assault is based upon the status of the victim.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: Amended and re-numbered by Public Act 96-1551; Eff: 7-1-11.

CHARGE: Misdemeanor (Class A)

BOND: \$1,500

720 ILCS 5/ 12-2(b)(3)

AGGRAVATED ASSAULT

In violation of SECTION 12-2(b)(3) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), knowing Don Smith to be an instructor¹ employed by the Union City Park District and while Don Smith was located on the grounds² of the Union City Park, committed an assault in violation of Section 12-1 of Act 5 of Chapter 720 of the Illinois Compiled Statutes in that said defendant shook and swung his fist at Don Smith, thereby placing Don Smith in reasonable apprehension of receiving a battery.

¹or any person employed in any park district; ²or grounds adjacent to the park or in any part of a building used for park purposes;

NOTE: The phrase "without lawful authority" has been deleted. See Appendix B for an explanation.

NOTE: This subsection of Aggravated Assault is based upon the status of the victim.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: Amended and re-numbered by Public Act 96-1551; Eff: 7-1-11.

CHARGE: Misdemeanor (Class A)

BOND: \$1,500

720 ILCS 5/ 12-2(b)(4)

AGGRAVATED ASSAULT

In violation of SECTION 12-2(b)(4) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), knowing Don Smith to be a utility worker¹ engaged in the execution of his official duties,² committed an assault upon Don Smith, in violation of Section 12-1 of Act 5 of Chapter 720 of the Illinois Compiled Statutes, in that said defendant shook and swung his fist at Don Smith, thereby placing Don Smith in reasonable apprehension of receiving a battery.

¹or a community policing volunteer or a private security officer, ²or in order to prevent the victim from performing his or her official duties, or in retaliation for the victim performing his or her official duties

NOTE: The phrase "without lawful authority" has been deleted. See **Appendix B** for an explanation. Also see **Appendix B** for discussion of necessity of alleging mental state.

NOTE: This subsection of Aggravated Assault is based upon the status of the victim. Under this subsection, a peace officer, a community policing volunteer, a private security officer, or a utility worker, may be the victim.

CHARGING NOTE: This offense is a Class A misdemeanor if a Category I, II, or III weapon is not used in the commission of this offense. If such a weapon is used, then this offense is a Class 4 felony. (720 ILCS 5/ 12-2(d)).

IMPORTANT: For sentencing and alternative charging information see the **Sentencing Guide**.

Legislative History: Amended and re-numbered by Public Act 96-1551; (Eff: 7-1-11).

This subsection was amended by Public Act 99-00256. Effective: 1-1-16.

CHARGE: Misdemeanor (Class A)

BOND: \$1,500

(Amended Complaint)

20 ILCS 5/ 12-2(b)(4.1)

AGGRAVATED ASSAULT

In violation of SECTION 12-2(b)(4.1) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), knowing Don Smith to be a peace officer¹ engaged in the execution of his official duties,² committed an assault upon Don Smith, in violation of Section 12-1 of Act 5 of Chapter 720 of the Illinois Compiled Statutes, in that said defendant shook and swung his fist at Don Smith, thereby placing Don Smith in reasonable apprehension of receiving a battery.

¹or an emergency management worker, emergency medical technician, or a fireman; ²or in order to prevent the victim from performing his or her official duties, or in retaliation for the victim performing his or her official duties

NOTE: The phrase "without lawful authority" has been deleted. See **Appendix B** for an explanation. Also see **Appendix B** for discussion of necessity of alleging mental state.

NOTE: This subsection of Aggravated Assault is based upon the status of the victim. Under this subsection, a peace officer, an emergency management worker, an emergency medical services personnel technician, or a fireman may be the victim.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: Amended and re-numbered by Public Act 96-1551; Eff: 7-1-11.

This subsection was created by Public Act 99-00256. Effective: 1-1-16) and by Public Act 99-816; (Eff: 8-15-16).

CHARGE: Felony (Class 4)

BOND: Must be set by Judge

720 ILCS 5/ 12-2(b)(5)

AGGRAVATED ASSAULT

In violation of SECTION 12-2(b)(5) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), knowing Don Smith to be a correctional officer¹ and while Don Smith was engaged in the execution of his official duties² committed an assault upon Don Smith in violation of Section 12-1 of Act 5 of Chapter 720 of the Illinois Compiled Statutes in that said defendant shook and swung his fist at Don Smith, thereby placing Don Smith in reasonable apprehension of receiving a battery,

¹or a probation officer; ²or to prevent the victim from performing his or her official duties, or in retaliation for the victim performing his or her official duties.

NOTE: The phrase "without lawful authority" has been deleted. See Appendix B for an explanation.

NOTE: This subsection of the Aggravated Assault offense is based upon the status of the victim. Either a Correctional Officer or a Probation Officer may be that victim.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: Amended and re-numbered by Public Act 96-1551; Eff: 7-1-11.

CHARGE: Felony (Class 4)

BOND: Must be Set by Judge

720 ILCS 5/ 12-2(b)(6)

AGGRAVATED ASSAULT

In violation of SECTION 12-2(b)(6) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), knowing Don Smith to be a correctional institution employee employed in the supervision of Sexually Violent Persons¹ and while Don Smith was engaged in the execution of his official duties² committed an assault upon Don Smith in violation of Section 12-1 of Act 5 of Chapter 720 of the Illinois Compiled Statutes in that said defendant shook and swung his fist at Don Smith, thereby placing Don Smith in reasonable apprehension of receiving a battery,

¹or a Department of Human Services employee, Department of Human Services officer or employee of a subcontractor of the Department of Human Services supervising or controlling sexually dangerous persons or sexually violent persons; or an employee of a county juvenile detention center who provides direct and continuous supervision of residents of a juvenile detention center, including an employee of a county juvenile detention center who supervises recreational activity for residents of a juvenile detention center; ²or to prevent the victim from performing his or her official duties, or in retaliation for the victim performing his or her official duties.

CAVEAT: Public Act 97-225 amended subsection 12-2(a) (15). However, that subsection was renumbered by Public Act 96-1551 to be 12-2(b) (6). We have assumed that this provision will be included within this subsection. If you believe otherwise, please do not include this amendment with any future alleged violations of this subsection; at least until the Legislature makes up their minds if this amendment should be placed within this subsection.

CHARGING NOTE: The phrase "without lawful authority" has been deleted. See Appendix B for an explanation.

CHARGING NOTE: This subsection of the Aggravated Assault offense is based upon the status of the victim. Either a Correctional Institution Employee or a Department of Human Services employee, a Department of Human Services officer or employee of a subcontractor of the Department of Human Services supervising or controlling sexually dangerous persons or sexually violent persons or an employee of a county juvenile detention center who provides direct and continuous supervision of residents of a juvenile detention center, including an employee of a county juvenile detention center who supervises recreational activity for residents of a juvenile detention center.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: Amended and re-numbered by Public Act 96-1551; Eff: 7-1-11 and by P. A. 97-1109. Eff: 1-1-13.

CHARGE: Felony (Class 4)

BOND: Must be Set by Judge

720 ILCS 5/ 12-2(b)(7)

AGGRAVATED ASSAULT

In violation of SECTION 12-2(b)(7) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), knowing Don Smith to be an employee of the State of Illinois,¹ an Assistant Attorney General, engaged in the performance of his authorized duties committed an assault in violation of Section 12-1 of Act 5 of Chapter 720 of the Illinois Compiled Statutes in that he shook and swung his fist at Don Smith, thereby placing Don Smith in reasonable apprehension of receiving a battery.

¹or an employee of a municipal corporation therein or a political subdivision

NOTE: The phrase "without lawful authority" has been deleted. See Appendix B for an explanation.

NOTE: This subsection of the Aggravated Assault offense is based upon the status of the victim. An employee of the State of Illinois, or an employee of a municipal corporation therein or a political subdivision may be a victim.

CHARGING NOTE: This offense is a Class A misdemeanor if a Category I, II, or III weapon is not used in the commission of this offense. If such a weapon is used, then this offense is a Class 4 felony. (720 ILCS 5/ 12-2(d)).

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: Amended and re-numbered by Public Act 96-1551; Eff: 7-1-11.

CHARGE: Misdemeanor (Class A)

BOND: \$1,500

720 ILCS 5/ 12-2(b)(8)

AGGRAVATED ASSAULT

In violation of SECTION 12-2(b)(8) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), knowing Don Smith to be a transit employee¹ and that Don Smith was performing in his capacity as a transit employee, committed an assault, in violation of Section 12-1 of Act 5 of Chapter 720 of the Illinois Compiled Statutes, in that said defendant shook his fist at Don Smith, thereby placing Don Smith in reasonable apprehension of receiving a battery.

¹or a transit a transit passenger

NOTE: The phrase "without lawful authority" has been deleted. See Appendix B for an explanation.

NOTE: This subsection of the Aggravated Assault offense is based upon the status of the victim. A transit employee or a transit passenger may be a victim.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: Amended and re-numbered by Public Act 96-1551; Eff: 7-1-11.

CHARGE: Misdemeanor (Class A) **BOND:** \$1,500

720 ILCS 5/ 12-2(b)(9)

AGGRAVATED ASSAULT

In violation of SECTION 12-2(b)(9) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), knowing that Don Smith was the coach of the Union City baseball team¹ and that Don Smith was actively participating in a baseball game² inside the Union City Stadium, an outdoor playing field³, committed an assault upon Don Smith, in violation of Section 12-1 of Act 5 of Chapter 720 of the Illinois Compiled Statutes, in that he shook and swung his fist at Don Smith, thereby placing Don Smith in reasonable apprehension of receiving a battery.

¹or any sports official or coach; ²or was actively participating in any level of athletic competition; ³or within a sports venue, on an indoor playing field or outdoor playing field, or within the immediate vicinity of such a facility or field.

NOTE: The phrase "without lawful authority" has been deleted. See Appendix B for an explanation.

NOTE: This subsection of the Aggravated Assault offense is based upon the status of the victim. A sports official or coach may be a victim of this offense.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: Amended and re-numbered by Public Act 96-1551; Eff: 7-1-11.

CHARGE: Misdemeanor (Class A) **BOND:** \$1,500

720 ILCS 5/ 12-2(b)(10)

AGGRAVATED ASSAULT

In violation of SECTION 12-2(b)(10) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), knowing Don Smith to be a process server¹ and that Don Smith was performing in his capacity as a process server, committed an assault, in violation of Section 12-1 of Act 5 of Chapter 720 of the Illinois Compiled Statutes, in that said defendant shook his fist at Don Smith, thereby placing Don Smith in reasonable apprehension of receiving a battery.

¹a person authorized to serve process under Section 2-202 of the Code of Civil Procedure.

NOTE: This offense may also be committed against a special process server appointed by the circuit court. (12-2(a)(20)(B))

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: This complaint was created as 12-2(a)(20)(A) by Public Act 97-0313; (Effective: 1-1-12) Amended: 97-1109 Renumbered as 12-2(b)(10). (Effective: 1-1-13) and re-enacted by P. A. 97-1109. Eff: 1-1-13.

CHARGE: Felony (Class 4)

BOND: Must be set by Judge

720 ILCS 5/ 12-2(c)(1)

AGGRAVATED ASSAULT

In violation of SECTION 12-2(c)(1) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), in committing an assault, in violation of Section 12-1(1) of Act 5 of Chapter 720 of the Illinois Compiled Statutes, said defendant knowingly pointed an air rifle¹ at Don Smith, thereby placing Don Smith in reasonable apprehension of receiving a battery.

¹or an air rifle as defined in the Section 24.8-0.1 of this Act, a deadly weapon, or any device manufactured and designed to be substantially similar in appearance to a firearm.

NOTE: 720 ILCS 5/33A-1 defines "dangerous weapon." See Appendix C The phrase "without lawful authority" has been deleted. See Appendix B for an explanation.

NOTE: This subsection of the Aggravated Assault offense is based on the use of a firearm, device, or motor vehicle. The discharge of a firearm is expressly excluded from this subsection.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: Amended and re-numbered by Public Act 96-1551; Eff: 7-1-11.

This subsection was amended by Public Acts 99-0143 & 99-00256. Both effective: 1-1-16.

CHARGE: Misdemeanor (Class A)

BOND: \$1,500

720 ILCS 5/ 12-2(c)(2)

AGGRAVATED ASSAULT

In violation of SECTION 12-2(c)(2) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), while committing an assault in violation of Section 12-1 of Act 5 of Chapter 720 of the Illinois Compiled Statutes, knowingly discharged a firearm, thereby placing Don Smith in reasonable apprehension of receiving a battery.

NOTE: The phrase "without lawful authority" has been deleted. See Appendix B for an explanation.

NOTE: This subsection of the Aggravated Assault offense is based on the use of a firearm, device or motor vehicle. The discharge of a firearm from a motor vehicle is expressly excluded from the coverage of this subsection.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: Amended and re-numbered by Public Act 96-1551; Eff: 7-1-11.

CHARGE: Felony (Class 4)

BOND: Must be Set by Judge

720 ILCS 5/ 12-2(c)(3)

AGGRAVATED ASSAULT

In violation of SECTION 12-2(c)(3) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), while committing an assault in violation of Section 12-1 of Act 5 of Chapter 720 of the Illinois Compiled Statutes, knowingly discharged a firearm from a motor vehicle, thereby placing Don Smith in reasonable apprehension of receiving a battery.

NOTE: The phrase "without lawful authority" has been deleted. See Appendix B for an explanation.

NOTE: This subsection of the Aggravated Assault offense is based on the use of a firearm, device, or motor vehicle.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: Amended and re-numbered by Public Act 96-1551; Eff: 7-1-11.

CHARGE: Felony (Class 3)

BOND: Must be Set by Judge

720 ILCS 5/ 12-2(c)(4)

AGGRAVATED ASSAULT

In violation of SECTION 12-2(c)(4) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), in committing an assault, in violation of Section 12-1 of Act 5 of Chapter 720 of the Illinois Compiled Statutes, knowingly and while masked¹ in such a manner as to conceal his identity, shook and swung his fist at Don Smith, thereby placing Don Smith in reasonable apprehension of receiving a battery.

¹or hooded or robed

NOTE: The phrase "without lawful authority" has been deleted. See Appendix B for an explanation.

NOTE: This subsection of the Aggravated Assault offense is based on the use of a firearm, device, or motor vehicle.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: Amended and re-numbered by Public Act 96-1551; Eff: 7-1-11.

CHARGE: Misdemeanor (Class A)

BOND: \$1,500

720 ILCS 5/ 12-2(c)(5)

AGGRAVATED ASSAULT

In violation of SECTION 12-2(c)(5) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), knowingly shined¹ a laser gun sight that was attached to a firearm² so that the laser beam struck in the immediate vicinity³ of Don Smith.

¹or flashed; ²or other laser device that is attached to a firearm, or used in concert with a firearm; ³or near

NOTE: The phrase "without lawful authority" has been deleted. See Appendix B for an explanation.

NOTE: This subsection of the Aggravated Assault offense is based on the use of a firearm, device, or motor vehicle.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: Amended and re-numbered by Public Act 96-1551; Eff: 7-1-11.

CHARGE: Felony (Class 4)

BOND: Must be Set by Judge

720 ILCS 5/ 12-2(c)(6)

AGGRAVATED ASSAULT

In violation of SECTION 12-2(c)(6) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), knowing Don Smith to be a peace officer¹ engaged in the execution of his official duties², committed an assault upon Don Smith, in violation of Section 12-1 of Act 5 of Chapter 720 of the Illinois Compiled Statutes, in that said defendant pointed a firearm at Don Smith, thereby placing Don Smith in reasonable apprehension of receiving a battery.

¹or a community policing volunteer, a private security officer, emergency management worker, emergency medical technician, utility worker, employee of a police department or a sheriff's department, a traffic control warden, or a fireman; ²or in order to prevent the victim from performing his or her official duties, or in retaliation for the victim performing his or her official duties.

NOTE: The phrase "without lawful authority" has been deleted. See Appendix B for an explanation.

NOTE: This subsection of Aggravated Assault is based on the use of a firearm, device or motor vehicle. Under this subsection, a peace officer, or a community-policing volunteer, a private security officer, emergency management worker, emergency medical technician, utility worker, employee of a police department or a sheriff's department, a traffic control warden, or a fireman, may be the victim.

SENTENCING NOTE: A conviction for aggravated assault under this subsection is non-probationable if the firearm is aimed toward the person against whom the firearm is being used.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: Complaint amended by Public Act 97-0159; Eff: 7-21-11.

CHARGE: Felony (Class 4)

BOND: Must be Set by Judge

720 ILCS 5/ 12-2(c)(7)

AGGRAVATED ASSAULT

In violation of SECTION 12-2(c)(7) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant’s name), knowingly operated a motor vehicle in a way which placed Don Smith in reasonable apprehension of being struck by a moving vehicle in that (describe the conduct of the defendant).

NOTE: This subsection of Aggravated Assault is based on the use of a firearm, device or motor vehicle. This subsection excludes peace officers, community policing volunteers, private security officers, emergency management workers, emergency medical technicians, utility workers, or firemen from the coverage of this subsection. (See 12-2(c) (7) & (8)).

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: Amended and re-numbered by Public Act 96-1551; Eff: 7-1-11.

CHARGE: Felony (Class 4)

BOND: Must be Set by Judge

720 ILCS 5/ 12-2(c)(8)

AGGRAVATED ASSAULT

In violation of SECTION 12-2(c)(8) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant’s name), knowingly operated a motor vehicle in a way which placed Don Smith, a peace officer¹, in reasonable apprehension of being struck by a moving vehicle in that (describe the conduct of the defendant).

¹or a community policing volunteer, a private security officer, an emergency management worker, an emergency medical technician, a utility worker, or a fireman;

NOTE: This subsection of Aggravated Assault is based on the use of a firearm, device or motor vehicle. The victims in this subsection are exclusively peace officers, community policing volunteers, private security officers, emergency management workers, emergency medical

technicians, utility workers, or firemen from the coverage of this subsection.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: Amended and re-numbered by Public Act 96-1551; Eff: 7-1-11.

CHARGE: Felony (Class 3)

BOND: Must be Set by Judge

720 ILCS 5/ 12-2(c)(9)

AGGRAVATED ASSAULT

In violation of SECTION 12-2(c)(9) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), while committing an assault upon Don Smith in violation of Section 12-1 of Act 5 of Chapter 720 of the Illinois Compiled Statutes, knowingly swung his fist at Don Smith and thereby placed Don Smith in reasonable apprehension of receiving a battery, and said defendant knowingly video recorded¹ the offense with the intent to disseminate the recording.

¹or audio recorded

NOTE: The phrase "without lawful authority" has been deleted. See Appendix B for an explanation.

NOTE: This subsection of Aggravated Assault is based on use of a firearm, a device, or a motor vehicle.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide. This subsection was created by P. A. 98-0385. Eff: 1-1-14.

CHARGE: Misdemeanor (Class A)

BOND: \$1,500

720 ILCS 12-3(a)(1)

BATTERY

In violation of SECTION 12-3(a)(1) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), knowingly caused bodily harm to Don Smith, in that he struck Don Smith in the face with his fist.

NOTE: The phrase "without legal justification" has been deleted. See Appendix B for an explanation.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: Codified - Laws 1961, p.1983 (January 1, 1962); Amended - P.A. 77-2638 and 96-1551; Eff: 7-1-11.

CHARGE: Misdemeanor (Class A)

BOND: \$1,500

720 ILCS 5/ 12-3(a)(2)

BATTERY

In violation of SECTION 12-3(a)(2) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), knowingly made physical contact of an insulting¹ nature with Dawn Smith, in that he placed his hands upon the breasts of Dawn Smith.

¹or provoking

NOTE: The phrase "without legal justification" has been deleted. See Appendix B for an explanation.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: Amended by Public Act 96-1551; Eff: 7-1-11.

CHARGE: Misdemeanor (Class A)

BOND: \$1,500

720 ILCS 5/ 12-3.05(a)(1)

AGGRAVATED BATTERY

In violation of SECTION 12-3.05(a)(1) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), in committing a battery, in violation of Section 12-3 of Act 5 of Chapter 720 of the Illinois Compiled Statutes, knowingly caused great bodily harm¹ to Don Smith, in that he kicked Don Smith in the face and groin.

¹or permanent disability or permanent disfigurement

CHARGING NOTES: (1) This subsection of Aggravated Battery is based on the victim's injury and must consist of conduct other than the discharge of a firearm. (2) Aggravated battery that causes great bodily harm or permanent disability or disfigurement in violation of subsection (a) is a Class 1 felony when the aggravated battery was intentional and involved the infliction of torture, as defined in paragraph (14) of subsection (b) of Section 9-1 of this Code, as "the infliction of or subjection to extreme physical pain, motivated by an intent to increase or prolong the pain, suffering, or agony of the victim."

NOTE: The phrase "without legal justification" has been deleted. See Appendix B for an explanation.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: Codified - Laws 1961, p.1983 (January 1, 1962); Amended - Laws 1961, p.2457; Laws 1965, p.294; Laws 1965, p.854; Laws 1967, p.341; Laws 1967, p.2595; Laws 1967, p.3514; Laws 1968, p.99; Laws 1968, p.166; P.A.s 76-836, 77-2638, 79-1001, 81-175, 81-571, 81-763, 81-925, 81-1509, 83-423, 84-1083, 85-996, 86-980, 87-921, 87-1083, 88-433, 90-115, 90-507, 90-651, 90-735, 91-357, 91-488, 91-619, 91-672, 92-16, 92-516, 92-841, 92-865, 93-83, 94-243, 94-327, 94-333, 94-363, 94-482, 95-236, 95-256, 95-331, 95-429, 95-748, 95-876, 96-201, 96-363, 96-1000, Renumbered and amended as § 12-3.05 by 96-1551, eff. July 1, 2011. Amended by 97-597, eff. Jan. 1, 2012 and amended and re-numbered by Public Act 97-1109; eff. 1-1-13.

CHARGE: Felony (Class 3)

BOND: Must be Set by Judge

720 ILCS 5/ 12-3.05(a)(2)

AGGRAVATED BATTERY

In violation of SECTION 12-3.05(a)(1) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), in committing a battery, in violation of Section 12-3 of Act 5 of Chapter 720 of the Illinois Compiled Statutes, knowingly threw a caustic substance¹ onto the face of Don Smith and thereby caused Don Smith to suffer great bodily harm².

¹or a flammable substance, a poisonous gas, a deadly biological or chemical contaminant or agent, a radioactive substance, or a bomb or explosive compound; ²or permanent disability or permanent disfigurement.

NOTE: This subsection of Aggravated Battery is based on the victim's injury and must consist of conduct other than the discharge of a firearm.

NOTE: The phrase "without legal justification" has been deleted. See Appendix B for an explanation.

SENTENCING NOTE: A defendant conviction of violating this subsection shall be sentenced to a term of imprisonment of a minimum of 6 years and a maximum of 45 years.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: Amended and re-numbered by Public Act 96-1551; Eff: 7-1-11.

CHARGE: Felony (Class X) **BOND:** Must be Set by Judge

720 ILCS 5/ 12-3.05(a)(3)

AGGRAVATED BATTERY

In violation of SECTION 12-3.05(a)(3) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), in committing a battery, in violation of Section 12-3 of Act 5 of Chapter 720 of the Illinois Compiled Statutes, knowingly caused great bodily harm¹ to Don Smith, a person the defendant knew to be a peace officer² performing his official duties³, in that the said defendant kicked Don Smith in the face and groin.

¹or permanent disability or permanent disfigurement; ²or a community policing volunteer, a private security officer, emergency management worker, emergency medical technician, utility worker, or a fireman; ³or in order to prevent the victim from performing his or her official duties, or in retaliation for the victim performing his or her official duties.

NOTE: This subsection of Aggravated Battery is based on the victim's injury and must consist of conduct other than the discharge of a firearm.

NOTE: The phrase "without legal justification" has been deleted. See Appendix B for an explanation.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: Amended and re-numbered by Public Act 96-1551; Eff: 7-1-11.

CHARGE: Felony (Class 1) **BOND:** Must be Set by Judge

720 ILCS 5/ 12-3.05(a)(4)

AGGRAVATED BATTERY

In violation of SECTION 12-3.05(a)(4) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), knowing Dawn Smith to be an individual of 60 years of age or older, committed a battery in violation of Section 12-3 of Act 5 of Chapter 720 of the Illinois Compiled Statutes, in that said defendant struck Dawn Smith on her head with his fist and thereby cause Dawn Smith to suffer great bodily harm¹.

¹or permanent disability or disfigurement.

NOTE: This subsection of Aggravated Battery is based on the victim's injury and must consist of conduct other than the discharge of a firearm.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: Amended and re-numbered by Public Act 96-1551; Eff: 7-1-11.

CHARGE: Felony (Class 2)

BOND: Must be Set by Judge

720 ILCS 5/ 12-3.05(a)(5)

AGGRAVATED BATTERY

In violation of SECTION 12-3.05(a)(5) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), in committing a battery, in violation of Section 12-3 of Act 5 of Chapter 720 of the Illinois Compiled Statutes, knowingly strangled Don Smith.

NOTE: This subsection of Aggravated Battery is based on the victim's injury and must consist of conduct other than the discharge of a firearm.

NOTE: The phrase "without legal justification" has been deleted. See Appendix B for an explanation.

CHARGING NOTE: A violation of this subsection is a Class 1 felony if: (a) the person used or attempted to use a dangerous instrument while committing this offense; or (b) the person caused great bodily harm or permanent disability or disfigurement to the other person while committing this offense; or (c) the person has previously been convicted of a violation of this subsection or of laws similar to this subsection of any other state.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: Amended and re-numbered by Public Act 96-1551; Eff: 7-1-11.

CHARGE: Felony (Class 3)

BOND: Must be Set by Judge

720 ILCS 5/ 12-3.05(b)(1)

AGGRAVATED BATTERY

In violation of SECTION 12-3.05(b)(1) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), a person who is at least 18 years of age, in committing a battery in violation of Section 12-3 of Act 5 of Chapter 720 of the Illinois Compiled Statutes, knowingly caused great bodily harm¹ to Don Smith, a child under the age of 13 years, in that he kicked Don Smith in the face and groin.

¹or permanent disability or permanent disfigurement

NOTE: This subsection of Aggravated Battery is based on the victim being a child or person with an intellectual disability.

NOTE: The phrase "without legal justification" has been deleted. See **Appendix B** for an explanation.

SENTENCING NOTE: If a person committed this offense while armed with a firearm: 15 years shall be added to the term of imprisonment imposed by the court; If a person personally discharged a firearm during the commission of this offense: 20 years shall be added to the term of imprisonment imposed by the court; If a person personally discharged a firearm during the commission of this offense and thereby caused great bodily harm, permanent disability or disfigurement or death to another person: 25 years and up to a term of natural life shall be added to the term of imprisonment imposed by the court.

IMPORTANT: For sentencing and alternative charging information see the **Sentencing Guide**.

Legislative History: This complaint was amended by Public Act 97-0227; Eff: 1-1-12 and by P. A. 97-1109. eff. 1-1-13.

This subsection was amended by Public Act 99-0143. Effective: 1-1-16.

CHARGE: Felony (Class X) (See Sentencing Note)

BOND: Must be set by Judge

720 ILCS 5/ 12-3.05(b)(2)

AGGRAVATED BATTERY

In violation of SECTION 12-3.05(b)(2) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), a person who is at least 18 years of age, in committing a battery in violation of Section 12-3 of Act 5 of Chapter 720 of the Illinois Compiled Statutes, knowingly caused bodily harm¹ to Don Smith, a child under the age of 13 years, in that he kicked Don Smith in the face and groin.

¹or disability or disfigurement

CHARGING NOTE: (1) This subsection of Aggravated Battery is based on the victim being a child or a person with a severe or profound intellectual disability. (2) The phrase "without legal justification" has been deleted. See **Appendix B** for an explanation.

IMPORTANT: For sentencing and alternative charging information see the **Sentencing Guide**.

Legislative History: This complaint was amended by Public Act 97-0227; Eff: 1-1-12 and by P. A. 97-1109. Eff: 1-1-13.

This subsection was amended by Public Act 99-0143. Effective: 1-1-16.

CHARGE: Felony (Class 3)

BOND: Must be Set by Judge

720 ILCS 5/ 12-3.05(c)

AGGRAVATED BATTERY

In violation of SECTION 12-3.05(c) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), in committing a battery, in violation of Section 12-3 of Act 5 of Chapter 720 of the Illinois Compiled Statutes, and while Don Smith was at the Union City Hilton, a public place of accommodation¹, knowingly caused bodily harm to Don Smith, in that said defendant struck Don Smith in the face with his fist.

¹or on or about a public place of amusement, a public way, public property, a sports venue, or a domestic violence shelter.

NOTE: This subsection of Aggravated Battery is based on the location of the defendant or the victim and must consist of conduct other than the discharge of a firearm.

NOTE: The phrase "without legal justification" has been deleted. See **Appendix B** for an explanation.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: Amended and re-numbered by Public Act 96-1551; Eff: 7-1-11.

CHARGE: Felony (Class 3)

BOND: Must be Set by Judge

720 ILCS 5/ 12-3.05(d)(1)

AGGRAVATED BATTERY

In violation of SECTION 12-3.05(d)(1) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant’s name), knowing Dawn Smith to be 60 years of age or older,¹ committed a battery in violation of Section 12-3 of Act 5 of Chapter 720 of the Illinois Compiled Statutes, in that said defendant struck Dawn Smith on her head with his fist.

¹or physically handicapped.

NOTE: This subsection of Aggravated Battery is based on the status of the victim and must consist of conduct other than the discharge of a firearm.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: Amended and re-numbered by Public Act 96-1551; Eff: 7-1-11.

CHARGE: Felony (Class 3)

BOND: Must be Set by Judge

720 ILCS 5/ 12-3.05(d)(2)

AGGRAVATED BATTERY

In violation of SECTION 12-3.05(d)(2) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant’s name), knowing Dawn Smith to be pregnant¹, committed a battery in violation of Section 12-3 of Act 5 of Chapter 720 of the Illinois Compiled Statutes, in that he struck Dawn Smith in the face with his fist.

¹or has a physical disability.

NOTE: This subsection of Aggravated Battery is based on the status of the victim and must consist of conduct other than the discharge of a firearm.

NOTE: The phrase "without legal justification" has been deleted. See Appendix B for an explanation.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: Amended and re-numbered by Public Act 96-1551; Eff: 7-1-11.

This subsection was amended by Public Act 99-0143. Effective: 1-1-16.

CHARGE: Felony (Class 3) **BOND:** Must be Set by Judge

720 ILCS 5/ 12-3.05(d)(3)

AGGRAVATED BATTERY

In violation of SECTION 12-3.05(d)(3) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), knowing Don Smith to be a teacher¹ at Union City Elementary School and while located on the grounds of Union City Elementary School², committed a battery in violation of Section 12-3 of Act 5 of Chapter 720 of the Illinois Compiled Statutes, in that he struck Don Smith in the face with his fist.

¹or other person employed in any school; ²or the grounds adjacent to the school or in any part of a building used for school purposes.

NOTE: This subsection of Aggravated Battery is based on the status of the victim and must consist of conduct other than the discharge of a firearm.

NOTE: The phrase "without legal justification" has been deleted. See Appendix B for an explanation.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: Amended and re-numbered by Public Act 96-1551; Eff: 7-1-11.

CHARGE: Felony (Class 3) **BOND:** Must be Set by Judge

720 ILCS 5/ 12-3.05(d)(4)

AGGRAVATED BATTERY

In violation of SECTION 12-3.05(d)(4) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), knowing Don Smith to be a peace officer¹ performing his official duties², committed a battery in violation of Section 12-3 of Act 5 of Chapter 720 of the Illinois Compiled Statutes, in that he struck Don Smith in the face with his fist.

¹or a community policing volunteer, a private security officer, a correctional institution employee, a Department of Human Services employee supervising or controlling a sexually dangerous or sexually violent person, or a fireman; ²or in order to prevent the victim from performing his or her official duties, or in retaliation for the victim performing his or her official duties.

NOTE: This subsection of Aggravated Battery is based on the status of the victim and must consist of conduct other than the discharge of a firearm.

NOTE: The phrase "without legal justification" has been deleted. See Appendix B for an explanation.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: Amended and re-numbered by Public Act 96-1551; Eff: 7-1-11.

CHARGE: Felony (Class 2)

BOND: Must be Set by Judge

(Amended Complaint)

720 ILCS 5/ 12-3.05(d)(5)

AGGRAVATED BATTERY

In violation of SECTION 12-3.05(d)(5) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), knowing Don Smith to be a judge¹ performing his official duties², committed a battery in violation of Section 12-3 of Act 5 of Chapter 720 of the Illinois Compiled Statutes, in that he struck Don Smith in the face with his fist.

¹or an emergency management worker, an emergency medical services personnel technician, or a utility worker; ²or in order to prevent the victim from performing his or her official duties, or in retaliation for the victim performing his or her official duties.

NOTE: This subsection of Aggravated Battery is based on the status of the victim and must consist of conduct other than the discharge of a firearm.

NOTE: The phrase "without legal justification" has been deleted. See Appendix B for an explanation.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: Amended and re-numbered by Public Act 96-1551; Eff: 7-1-11; **and amended by Public Act 99-816; (Eff: 8-15-16).**

CHARGE: Felony (Class 3)

BOND: Must be Set by Judge

720 ILCS 5/ 12-3.05(d)(6)

AGGRAVATED BATTERY

In violation of SECTION 12-3.05(d)(6) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), knowing Don Smith to be an employee of the State of Illinois¹ performing his official duties, committed a battery in violation of Section 12-3 of Act 5 of Chapter 720 of the Illinois Compiled Statutes, in that he struck Don Smith in the face with his fist.

¹or an officer of the State of Illinois, or an officer or employee of a school district.

NOTE: This subsection of Aggravated Battery is based on the status of the victim and must consist of conduct other than the discharge of a firearm.

NOTE: The phrase "without legal justification" has been deleted. See Appendix B for an explanation.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: Amended and re-numbered by Public Act 96-1551; Eff: 7-1-11.

CHARGE: Felony (Class 3)

BOND: Must be Set by Judge

720 ILCS 5/ 12-3.05(d)(7)

AGGRAVATED BATTERY

In violation of SECTION 12-3.05(d)(7) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), knowing Don Smith to be a transit passenger¹, committed a battery in violation of Section 12-3 of Act 5 of Chapter 720 of the Illinois Compiled Statutes, in that he struck Don Smith in the face with his fist.

¹or a transit employee performing his or her official duties.

NOTE: This subsection of Aggravated Battery is based on the status of the victim and must consist of conduct other than the discharge of a firearm.

NOTE: The phrase "without legal justification" has been deleted. See Appendix B for an explanation.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: Amended and re-numbered by Public Act 96-1551; Eff: 7-1-11.

CHARGE: Felony (Class 3)

BOND: Must be Set by Judge

720 ILCS 5/ 12-3.05(d)(8)

AGGRAVATED BATTERY

In violation of SECTION 12-3.05(d)(8) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), knowing Don Smith to be a taxi driver on duty, committed a battery in violation of Section 12-3 of Act 5 of Chapter 720 of the Illinois Compiled Statutes, in that he struck Don Smith in the face with his fist.

NOTE: This subsection of Aggravated Battery is based on the status of the victim and must consist of conduct other than the discharge of a firearm.

NOTE: The phrase "without legal justification" has been deleted. See Appendix B for an explanation.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: Amended and re-numbered by Public Act 96-1551; Eff: 7-1-11.

CHARGE: Felony (Class 3)

BOND: Must be Set by Judge

720 ILCS 5/ 12-3.05(d)(9)

AGGRAVATED BATTERY

In violation of SECTION 12-3.05(d)(9) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), knowing Don Smith to be a merchant who had attempted to detain said defendant for an alleged commission of the offense of Retail Theft, committed a battery in violation of Section 12-3 of Act 5 of Chapter 720 of the Illinois Compiled Statutes, in that he struck Don Smith in the face with his fist and thereby caused bodily harm to Don Smith.

NOTE: This subsection of Aggravated Battery is based on the status of the victim and must consist of conduct other than the discharge of a firearm.

NOTE: The phrase "without legal justification" has been deleted. See Appendix B for an explanation.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: Amended and re-numbered by Public Act 96-1551; Eff: 7-1-11.

CHARGE: Felony (Class 3)

BOND: Must be Set by Judge

720 ILCS 5/ 12-3.05(d)(10)

AGGRAVATED BATTERY

In violation of SECTION 12-3.05(d)(10) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), knowing Don Smith to be a process server¹ and that Don Smith was performing in his capacity as a process server, committed a battery, in violation of Section 12-3 of Act 5 of Chapter 720 of the Illinois Compiled Statutes, in that said defendant struck Don Smith in the face with his fist.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

This subsection was r-enacted by P. A. 97-1109. Eff: 1-1-13.

CHARGE: Felony (Class 3)

BOND: Must be set by Judge

720 ILCS 5/ 12-3.05(d)(11)

AGGRAVATED BATTERY

In violation of SECTION 12-3.05(d)(11) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), knowing Dawn Smith to be a nurse and that Dawn Smith was performing in her capacity as a nurse, committed a battery, in violation of Section 12-3 of Act 5 of Chapter 720 of the Illinois Compiled Statutes, in that said defendant struck Don Smith in the face with his fist.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

This subsection was created by P. A. 98-0369. Eff: 1-1-14.

CHARGE: Felony (Class 3)

BOND: Must be set by Judge

720 ILCS 5/ 12-3.05(e)(1)

AGGRAVATED BATTERY

In violation of SECTION 12-3.05(e)(1) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), while committed a battery in violation of Section 12-3 of Act 5 of Chapter 720 of the Illinois Compiled Statutes, said defendant knowingly discharged a firearm¹ and thereby caused bodily harm to Dawn Smith in that (describe the injury).

¹other than a machine gun or a firearm equipped with a silencer.

NOTE: This subsection of Aggravated Battery is based on the use of a firearm and cannot consist of the discharge of a machine gun or a firearm equipped with a silencer.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: Amended and re-numbered by Public Act 96-1551; Eff: 7-1-11.

CHARGE: Felony (Class X)

BOND: Must be Set by Judge

720 ILCS 5/ 12-3.05(e)(2)

AGGRAVATED BATTERY

In violation of SECTION 12-3.05(e)(2) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), knowing Don Smith to be a peace officer¹ performing his official duties², committed a battery in violation of Section 12-3 of Act 5 of Chapter 720 of the Illinois Compiled Statutes, in that said defendant knowingly discharged a firearm³ and thereby caused bodily harm to Don Smith in that (describe the injury).

¹or a community policing volunteer, a person summoned by a police officer, a fireman, a private security officer, a correctional institution employee, or an emergency management worker; ²or in order to prevent the victim from performing his or her official duties, or in retaliation for the victim performing his or her official duties; ³other than a machine gun or a firearm equipped with a silencer.

NOTE: This subsection of Aggravated Battery is based on the use of a firearm and cannot consist of the discharge of a machine gun or a firearm equipped with a silencer.

SENTENCING NOTE: A person convicted of violating this subsection shall be sentenced to a term of imprisonment of not less than 15 nor more than 60 years.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: Amended and re-numbered by Public Act 96-1551; Eff: 7-1-11.

CHARGE: Felony (Class X) (See Note)

BOND: Must be Set by Judge

(Amended Complaint)

720 ILCS 5/ 12-3.05(e)(3)

AGGRAVATED BATTERY

In violation of SECTION 12-3.05(e)(3) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), knowing Don Smith to be an emergency medical services personnel technician employed by Union City¹ performing his official duties², committed a battery in violation of Section 12-3 of Act 5 of Chapter 720 of the Illinois Compiled Statutes, in that said defendant knowingly discharged a firearm³ and thereby caused an injury to Don Smith in that (describe the injury).

¹or by a municipality or other government unit; ²or in order to prevent the victim from performing his or her official duties, or in retaliation for the victim performing his or her official duties; ³other than a machine gun or a firearm equipped with a silencer.

NOTE: This subsection of Aggravated Battery is based on the use of a firearm and cannot consist of the discharge of a machine gun or a firearm equipped with a silencer.

SENTENCING NOTE: A person convicted of violating this subsection shall be sentenced to a term of imprisonment of not less than 15 or more than 60 years.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: Amended and re-numbered by Public Act 96-1551; Eff: 7-1-11; **and by Public Act 99-816; (Eff: 8-15-16).**

CHARGE: Felony (Class X)

BOND: Must be Set by Judge

720 ILCS 5/ 12-3.05(e)(4)

AGGRAVATED BATTERY

In violation of SECTION 12-3.05(e)(4) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), knowing Don Smith to be a teacher¹ on the Union City school grounds², committed a battery in violation of Section 12-3 of Act 5 of Chapter 720 of the Illinois Compiled Statutes, in that said defendant knowingly discharged a firearm and thereby caused an injury to Don Smith in that (describe the injury).

¹or a student in school or a school employee; ²or on grounds adjacent to a school or in any part of a building used for school purposes.

NOTE: This subsection of Aggravated Battery is based on the use of a firearm.

SENTENCING NOTE: A person convicted of violating this subsection shall be sentenced to a term of imprisonment of not less than 15 or more than 60 years.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: Amended and re-numbered by Public Act 96-1551; Eff: 7-1-11.

CHARGE: Felony (Class X)

BOND: Must be Set by Judge

720 ILCS 5/ 12-3.05(e)(5)

AGGRAVATED BATTERY

In violation of SECTION 12-3.05(e)(5) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), while committed a battery in violation of Section 12-3 of Act 5 of Chapter 720 of the Illinois Compiled Statutes, said defendant knowingly discharged a machine gun¹ and thereby caused an injury to Don Smith in that (describe the injury).

¹or a firearm equipped with a silencer.

NOTE: This subsection of Aggravated Battery is based on the use of a firearm.

SENTENCING NOTE: A person convicted of violating this subsection shall be sentenced to a term of imprisonment of not less than 12 or more than 45 years.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: Amended and re-numbered by Public Act 96-1551; Eff: 7-1-11.

CHARGE: Felony (Class 3)

BOND: Must be Set by Judge

720 ILCS 5/ 12-3.05(e)(6)

AGGRAVATED BATTERY

In violation of SECTION 12-3.05(e)(6) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), knowing Don Smith to be a peace officer¹ performing his official duties², committed a battery in violation of Section 12-3 of Act 5 of Chapter 720 of the Illinois Compiled Statutes, in that said defendant knowingly discharged a machine gun³ and thereby caused an injury to Don Smith in that (describe the injury).

¹or a community policing volunteer, a person summoned by a police officer, a fireman, a private security officer, a correctional institution employee or an emergency management worker; ²or in order to prevent the victim from performing his or her official duties, or in retaliation for the victim performing his or her official duties; ³or a firearm equipped with a silencer.

NOTE: This subsection of Aggravated Battery is based on the use of a firearm.

SENTENCING NOTE: A person convicted of violating this subsection shall be sentenced to a term of imprisonment of not less than 20 or more than 60 years.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: Amended and re-numbered by Public Act 96-1551; Eff: 7-1-11.

CHARGE: Felony (Class 3)

BOND: Must be Set by Judge

(Amended Complaint)

720 ILCS 5/ 12-3.05(e)(7)

AGGRAVATED BATTERY

In violation of SECTION 12-3.05(e)(7) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), knowing Don Smith to be an emergency medical services personnel technician employed by Union City¹ performing his official duties², committed a battery in violation of Section 12-3 of Act 5 of Chapter 720 of the Illinois Compiled Statutes, in that said defendant knowingly discharged a machine gun³ and thereby caused an injury to Don Smith in that (describe the injury).

¹or by any municipality or other governmental unit; ²or in order to prevent the victim from performing his or her official duties, or in retaliation for the victim performing his or her official duties; ³or a firearm equipped with a silencer.

NOTE: This subsection of Aggravated Battery is based on the use of a firearm.

SENTENCING NOTE: A person convicted of violating this subsection shall be sentenced to a term of imprisonment of not less than 20 or more than 60 years.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: Amended and re-numbered by Public Act 96-1551; Eff: 7-1-11 and by Public Act 99-816; (Eff: 8-15-16).

CHARGE: Felony (Class X)

BOND: Must be Set by Judge

720 ILCS 5/ 12-3.05(e)(8)

AGGRAVATED BATTERY

In violation of SECTION 12-3.05(e)(8) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), knowing Don Smith to be a teacher¹ upon the Union City school grounds², committed a battery in violation of Section 12-3 of Act 5 of Chapter 720 of the Illinois Compiled Statutes, in that said defendant knowingly discharged a machine gun³ and thereby caused an injury to Don Smith in that (describe the injury).

¹or a student in a school or a school employee; ²or on grounds adjacent to the school or in any part of a building used for school purposes; ³or a firearm equipped with a silencer.

NOTE: This subsection of Aggravated Battery is based on the use of a firearm.

SENTENCING NOTE: A person convicted of violating this subsection shall be sentenced to a term of imprisonment of not less than 20 nor more than 60 years.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: Amended and re-numbered by Public Act 96-1551; Eff: 7-1-11..

CHARGE: Felony (Class X)

BOND: Must be Set by Judge

720 ILCS 5/ 12-3.05(f)(1)

AGGRAVATED BATTERY

In violation of SECTION 12-3.05(f)(1) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), while using a deadly weapon¹, a knife, said defendant committed a battery in violation of Section 12-3 of Act 5 of Chapter 720 of the Illinois Compiled Statutes, in that said defendant knowingly stabbed Don Smith.

¹or any deadly weapon other than by the discharge of a firearm or an air rifle.

NOTE: This subsection of Aggravated Battery is based on the use of a deadly weapon other than a firearm or an air rifle.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: Amended and re-numbered by Public Act 96-1551; Eff: 7-1-11.

CHARGE: Felony (Class 3)

BOND: Must be Set by Judge

720 ILCS 5/ 12-3.05(f)(2)

AGGRAVATED BATTERY

In violation of SECTION 12-3.05(f)(1) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), while wearing a mask¹ to conceal his identity, said defendant committed a battery in violation of Section 12-3 of Act 5 of Chapter 720 of the Illinois Compiled Statutes, in that said defendant knowingly punched Don Smith in the mouth with his fist.

¹or a hood or a robe.

NOTE: This subsection of Aggravated Battery is based on the use of a weapon or device. The injury in this subsection must be caused by other than the discharge of a firearm.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: Amended and re-numbered by Public Act 96-1551; Eff: 7-1-11.

CHARGE: Felony (Class 3)

BOND: Must be Set by Judge

720 ILCS 5/ 12-3.05(f)(3)

AGGRAVATED BATTERY

In violation of SECTION 12-3.05(f)(3) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), committed a battery in violation of Section 12-3 of Act 5 of Chapter 720 of the Illinois Compiled Statutes, said defendant knowingly shined¹ a laser gun sight that was attached to a firearm² so that the laser beam struck the upon³ of Don Smith.

¹or flashed; ²or other laser device that is attached to a firearm, or used in concert with a firearm; ³or against.

NOTE: This subsection of Aggravated Battery is based on the use of a weapon or device.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: Amended and re-numbered by Public Act 96-1551; Eff: 7-1-11.

CHARGE: Felony (Class 3)

BOND: Must be Set by Judge

720 ILCS 5/ 12-3.05(f)(4)

AGGRAVATED BATTERY

In violation of SECTION 12-3.05(f)(4) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), in committing a battery, in violation of Section 12-3 of Act 5 of Chapter 720 of the Illinois Compiled Statutes, to wit: the defendant caused bodily harm to Don Smith by kicking Don Smith in the face and groin, said defendant knowingly video recorded¹ the offense with the intent to disseminate the recording.

¹or audio recorded.

CHARGING NOTE: This subsection of Aggravated Battery is based on the use of a weapon or device.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

This subsection was created by P. A. 98-0385. Eff: 1-1-14.

CHARGE: Felony (Class 3)

BOND: Must be Set by Judge

720 ILCS 5/ 12-3.05(g)(1)

AGGRAVATED BATTERY

In violation of SECTION 12-3.05(g)(1) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), knowingly violated Section 401 of the Illinois Controlled Substances Act by delivering heroin, a controlled substance, to Don Smith and Don Smith experienced great bodily harm¹ as a result of the injection² of that controlled substance.

¹or permanent disability; ²or inhalation or ingestion.

NOTE: This subsection of Aggravated Battery is based on certain conduct other than the discharge of a firearm.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: Amended and re-numbered by Public Act 96-1551; Eff: 7-1-11.

CHARGE: Felony (Class 1)

BOND: Must be Set by Judge

720 ILCS 5/ 12-3.05(g)(2)

AGGRAVATED BATTERY

In violation of SECTION 12-3.05(g)(2) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant’s name), knowingly administered heroin¹, a controlled substance, to Don Smith without the consent of Don Smith and for other than medical purposes.

¹or any intoxicating, poisonous, stupefying, narcotic, anesthetic or controlled substance.

NOTE: This offense may also be committed by a defendant who gives to another person any food containing any substance or object intended to cause physical injury if eaten.

NOTE: This subsection of Aggravated Battery is based on certain conduct other than the discharge of a firearm.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: Amended and re-numbered by Public Act 96-1551; Eff: 7-1-11.

CHARGE: Felony (Class 3)

BOND: Must be Set by Judge

720 ILCS 5/ 12-3.05(g)(3)

AGGRAVATED BATTERY

In violation of SECTION 12-3.05(g)(3) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant’s name), an inmate of a penal institution¹, knowingly caused² Don Smith, a correctional institution employee³, to come into contact with feces⁴ by throwing⁵ the feces at Don Smith.

¹or a sexually dangerous or sexually violent person in the custody of the Department of Human Services; ²or attempted to cause; ³or a Department of Human Services employee; ⁴or seminal fluid or urine; ⁵or by tossing or expelling the fluid or material.

NOTE: This subsection of Aggravated Battery is based on certain conduct other than the discharge of a firearm.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: Amended and re-numbered by Public Act 96-1551; Eff: 7-1-11.

CHARGE: Felony (Class 2)

BOND: Must be Set by Judge

720 ILCS 5/ 12-3.1(a)

BATTERY OF AN UNBORN CHILD

In violation of SECTION 12-3.1(a) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), knowingly struck Dawn Smith on the abdomen with his fist¹ thereby causing bodily harm to the unborn child carried by Dawn Smith.

¹or by any means

NOTE: For a definition of "unborn child" and for an exclusion of the pregnant woman as the defendant see Appendix C. Also, the phrase "without legal justification" has been deleted. See Appendix B for an explanation.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: Created - P.A. 84-1414 (September 19, 1986). Amended and re-numbered by Public Act 96-1551; Eff: 7-1-11.

CHARGE: Misdemeanor (Class A)

BOND: \$1,500

720 ILCS 5/ 12-3.1(a-5)

AGGRAVATED BATTERY OF AN UNBORN CHILD

In violation of SECTION 12-3.1(a-5) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), knowingly struck Dawn Smith on the abdomen with his fist¹ thereby causing great bodily harm² to the unborn child carried by Dawn Smith.

¹or by any means; ²or permanent disability or disfigurement.

NOTE: For a definition of "unborn child" and for an exclusion of the pregnant woman as the defendant see Appendix C. Also, the phrase "without legal justification" has been deleted. See Appendix B for an explanation.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: Amended and re-numbered by Public Act 96-1551; Eff: 7-1-11.

CHARGE: Felony (Class 4)

BOND: Must be Set by Judge

720 ILCS 5/ 12-3.2(a)(1)

DOMESTIC BATTERY

In violation of SECTION 12-3.2(a)(1) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), knowingly caused bodily harm to Dawn Smith, a family member¹ of the defendant, in that said defendant struck Dawn Smith in the face with his fist.

¹or a household member

NOTE: For an alternative method of charging this offense, see the following complaint.

DEFINITION: A "family household member" is defined in subsection (3) of Section 112A-3 of the Illinois Code of Criminal Procedure of 1963. (725 ILCS 5/112A-3)

SENTENCING AND CHARGING NOTES: **(1)** The phrase "without legal justification" has been deleted. See **Appendix B** for an explanation. **(2)** The offense of domestic battery is generally a Class A Misdemeanor. However, it is a Class 4 Felony if the defendant has any prior conviction under this Code for a violation of an order of protection, or any prior conviction under the law of another jurisdiction for an offense, which is substantially similar. Additionally, it is a Class 4 Felony if the defendant has any prior conviction under this Code for first degree murder (Section 9-1), attempt to commit first degree murder (Section 8-4), aggravated domestic battery (Section 12-3.3), aggravated battery (12-4), heinous battery (Section 12-4.1), aggravated battery with a firearm (Section 12-4.3), aggravated battery of an unborn child (Section 12-4.4), aggravated battery of a senior citizen (Section 12-4.5), stalking (12-7.3), aggravated stalking (12-7.4), criminal sexual assault (Section 11-1.20 or 12-13), aggravated criminal sexual assault (Section 11-1.30 or 12-14), kidnapping (Section 10-11), aggravated kidnapping (Section 10-2), predatory criminal sexual assault of a child (Section 11-1.40 or 12-14.1), aggravated criminal sexual abuse (Section 11-1.60 or 12-16), unlawful restraint (10-3), aggravated unlawful restraint (10-3.1), aggravated arson (Section 20.1.1) or aggravated discharge of a firearm (24-1.2), or any prior conviction under the law of another jurisdiction for an offense which is substantially similar to the offenses listed in this Section, when any of these offenses have been committed against a family or household member as defined in Section 112A-3 of the Code of Criminal Procedure of 1963. (12-3.2(b)) Domestic battery is a Class 4 felony if the defendant has one or 2 prior convictions under this Code for domestic battery (Section 12-3.2) or one or 2 prior convictions under the law of another jurisdiction for any offense which is substantially similar. Domestic battery is a Class 3 felony if the defendant had 3 prior convictions under this Code for domestic battery (Section 12-3.2), or 3 prior convictions under the law of another jurisdiction for any

offense which is substantially similar. Domestic battery is a Class 2 felony if the defendant had 4 or more prior 12-3.2) or 4 or more prior convictions under the law of another jurisdiction for any offense which is substantially similar. The charging document must state the prior conviction. See the Sentencing Guide and Appendix A for an explanation.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: Created - P.A. 86-979 (July 1, 1990); Amended - P.A. 88-467, 90-734, 91-112, 91-262, 91-928, 92-16, 92-827, 93-336, 93-809, 94-148, 96-287, 96-1551, and 98-0187. (Effective: 1-1-14). This subsection was recently amended by P. A. 98-0994. Eff: 1-1-15.

CHARGE: Misdemeanor (Class A)

BOND: Must be Set by Judge

720 ILCS 5/ 12-3.2(a)(2)

DOMESTIC BATTERY

In violation of SECTION 12-3.2(a)(2) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), knowingly made physical contact of an insulting¹ nature with Dawn Smith, a family member² of said defendant, in that said defendant placed his hands upon the breast of Dawn Smith.

¹or provoking; ²or a household member

NOTE: For an alternative method of charging this offense, see preceding complaint.

NOTE: The phrase "without legal justification" has been deleted. See Appendix B for an explanation.

SENTENCING AND CHARGING NOTE: The offense of domestic battery is generally a Class A Misdemeanor. However, it is a Class 4 felony if the defendant has any prior conviction under this Code for violation of an order of protection (Section 12-3.4 or 12-30), or any prior conviction under the law of another jurisdiction for an offense, which is substantially similar. Domestic battery is a Class 4 felony if the defendant has any prior conviction under this Code for first degree murder (Section 9-1), attempt to commit first degree murder (Section 8-4), aggravated domestic battery (Section 12-3.3), aggravated battery (Section 12-3.05 or 12-4), heinous battery (Section 12-4.1), aggravated battery with a firearm (Section 12-4.2), aggravated battery with a machine gun or a firearm equipped with a silencer (Section 12-4.2-5), aggravated battery of a child (Section 12-4.3), aggravated battery of an unborn child (subsection (a-5) of Section 12-3.1, or Section 12-4.4), aggravated battery of a senior citizen (Section 12-4.6), stalking (Section 12-7.3), aggravated stalking (Section 12-7.4), criminal sexual assault (Section 11-1.20 or 12-13), aggravated criminal sexual assault (Section 11-1.30 or 12-14), kidnapping (Section 10-1), aggravated kidnapping (Section 10-2), predatory criminal sexual assault of a child (Section 11-1.40 or 12-14.1), aggravated criminal sexual abuse (Section 11-1.60 or 12-16),

unlawful restraint (Section 10-3), aggravated unlawful restraint (Section 10-3.1), aggravated arson (Section 20-1.1), or aggravated discharge of a firearm (Section 24-1.2), or any prior conviction under the law of another jurisdiction for any offense that is substantially similar to the offenses listed in this Section, when any of these offenses have been committed against a family or household member. Domestic battery is a Class 4 felony if the defendant has one or 2 prior convictions under this Code for domestic battery (Section 12-3.2) or one or 2 prior convictions under the law of another jurisdiction for any offense which is substantially similar. Domestic battery is a Class 3 felony if the defendant had 3 prior convictions under this Code for domestic battery (Section 12-3.2)), or 3 prior convictions under the law of another jurisdiction for any offense which is substantially similar. Domestic battery is a Class 2 felony if the defendant had 4 or more prior 12-3.2) or 4 or more prior convictions under the law of another jurisdiction for any offense which is substantially similar. The charging document must state the prior conviction. See the Sentencing Guide and Appendix A for an explanation.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

CONSTITUTIONALITY: This subsection withstands a constitutional attack. People v. Taher, 329 Ill. App. 3d 1007, 769 N. E. 2d 1021, 264 Ill. Dec. 184 (1st Dist., 2002). This subsection was recently amended by Public Acts: 98-0370; Eff: 1-1-14 and 98-0903; Eff: 8-15-14.

Legislative History: Amended and re-numbered by Public Act 96-1551; Eff: 7-1-11.

CHARGE: Misdemeanor (Class A) **BOND:** Must be Set by Judge (Sup.Ct. Rule 528(d))

720 ILCS 5/ 12-3.3(a)

AGGRAVATED DOMESTIC BATTERY

In violation of SECTION 12-3.3(a) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), in committing a domestic battery in violation of Section 12-3.2(a)(1) of Act 5 of Chapter 720 of the Illinois Compiled Statutes, knowingly caused great bodily harm to Dawn Smith, a family member¹ of the defendant, in that said defendant struck Dawn Smith in the face with his fist and in so doing, fractured Dawn Smith's skull.

¹or a household member

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

CONSTITUTIONALITY: This offense withstands a constitutional attack. People v. Johnson, 341 Ill. App. 3d 583, 793 N. E. 2d 774, 276 Ill. Dec. 15 (1st Dist., 2003)

Legislative History: Created by Public Act 91-445 (Eff: 1-1-00). Amended by Public Act: 96-287, 96-363, 96-1000 and 96-1551.

CHARGE: Felony (Class 2)

BOND: Must be Set by Judge

720 ILCS 5/ 12-3.3(a-5)

AGGRAVATED DOMESTIC BATTERY

In violation of SECTION 12-3.3(a-5) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), in committing a domestic battery in violation of Section 12-3.2(a)(1) of Act 5 of Chapter 720 of the Illinois Compiled Statutes, intentionally strangled Dawn Smith, a family member¹ of the defendant.

¹or a household member.

NOTE: For purposes of this offense, “strangle” means intentionally impeding the normal breathing or circulation of the blood or an individual by applying pressure or the throat or neck of the individual or by blocking the nose or mouth of that individual.

COMMENT: Section (a) of this subsection provides that a defendant may be guilty of this offense if he or she either intentionally or knowingly causes great bodily harm, etc. This new subsection provides that a defendant may also commit aggravated domestic battery by strangling the victim while committing domestic battery. However, this new subsection, unlike subsection (a), does not mention a particular mental state in the definition of the offense. It does, however, define “strangle” as an intentional act. For this reason I dropped that alternative mental state of acting “knowingly” from this complaint. Please consider this problem before you allege that your defendant acted knowingly, rather than intentionally, when strangling the victim.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: Amended and re-numbered by Public Act 96-1551; Eff: 7-1-11.

CHARGE: Felony (Class 2)

BOND: Must be Set by Judge

720 ILCS 5/ 12-3.4(a)

UNLAWFUL VIOLATION OF AN ORDER OF PROTECTION

In violation of SECTION 12-3.4(a) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), having been served with notice¹ of the contents of an order of protection, Number CM-7777, issued on January 1, 2012, by the Circuit Court of Union County pursuant to the Illinois Domestic Violence Act, did knowingly commit an act which was prohibited by the order of protection² in that said defendant (insert the act(s) which violated the order)³.

¹or otherwise having acquired actual knowledge of the contents of the order; ²or failed to perform an act which was ordered by a court; ³or any act which violated: (i) any remedy in a valid order of protection authorized under Paragraphs (1), (2),(3), or (14) of subsection (b) of Section 214 of the Illinois Domestic Violence Act of 1986 or (ii) a remedy, which is substantially similar to the remedies authorized under paragraphs (1), (2), (3), (14) or (14.5) of subsection (b) of Section 214 of the Illinois Domestic Violence Act of 1986, in a valid order of protection, which is authorized under the laws of another state, tribe or United States territory, (iii) or any other remedy when the act constitutes a crime against the protected parties as the term protected parties is defined in Section 112A-4 of the Code of Criminal Procedure of 1963

NOTE: An order of protection issued by a state, tribal or territorial court related to domestic or family violence shall be deemed valid if the issuing court had jurisdiction over the parties and matter under the law of the state, tribe or territory. There shall be a presumption of validity where an order is certified and appears authentic on its face.

NOTE: A defendant who directed the actions of a third party to violate this Section, under the principles of accountability set forth in Article 5 of this Code, is guilty of violating this Section as if the same had been personally done by the defendant, without regard to the mental state of the third party acting at the direction of the defendant. **CAVEAT:** Please note that this provision was originally added by Public Act 97-0311. That Public Act originally amended Section 12-30. This was the old citation for this offense prior to July 1, 2011. You should decide whether or not to use this subsection after considering this problem for offenses committed prior to 1-1-13.

SENTENCING NOTE: The court shall impose a minimum penalty of 24 hours imprisonment for defendant's second or subsequent violation of any order of protection; unless the court explicitly finds that an increased penalty or such period of imprisonment would be manifestly unjust. In addition to any other penalties, the court may order the defendant to pay a fine as authorized under Section 5-9-1 of the Unified Code of Corrections or to make restitution to the victim under Section 5-5-6 of the Unified Code of Corrections. In addition to any other penalties, including those imposed by Section 5-9-1.5 of the Unified Code of Corrections, the court shall impose an additional fine of \$20 as authorized by Section 5-9-1.11 of the Unified Code of Corrections upon any person convicted of or placed on supervision for a violation of this Section. The additional fine shall be imposed for each violation of this Section.

CHARGING NOTE: Violation of an order of protection is a Class 4 felony if the defendant has any prior conviction under this Code for domestic battery (Section 12-3.2) or violation of an order of protection (Section 12-3.4 or 12-30) or any prior conviction under the law of another jurisdiction for an offense that could be charged in this State as a domestic battery or violation of an order of protection. Violation of an order of protection is a Class 4 felony if the defendant has any prior conviction under this Code for first degree murder (Section 9-1), attempt to commit first degree murder (Section 8-4), aggravated domestic battery (Section 12-3.3), aggravated battery (Section 12-3.05 or 12-4), heinous battery (Section 12-4.1), aggravated battery with a firearm (Section 12-4.2), aggravated battery with a machine gun or a firearm equipped with a silencer (Section 12-4.2-5), aggravated battery of a child (Section 12-4.3), aggravated battery of an unborn child (subsection (a-5) of Section 12-3.1, or Section 12-4.4), aggravated battery of a senior citizen (Section 12-4.6), stalking (Section 12-7.3), aggravated stalking (Section 12-7.4), criminal sexual assault (Section 11-1.20 or 12-13), aggravated criminal sexual assault (Section 11-1.30 or 12-14), kidnapping (Section 10-1), aggravated kidnapping (Section 10-2), predatory criminal sexual assault of a child (Section 11-1.40 or 12-14.1), aggravated criminal sexual abuse (Section 11-1.60 or 12-16), unlawful restraint (Section 10-3), aggravated unlawful restraint (Section 10-3.1), aggravated arson (Section 20-1.1), aggravated discharge of a firearm (Section 24-1.2), or a violation of any former law of this State that is substantially similar to any listed offense, or any prior conviction under the law of another jurisdiction for an offense that could be charged in this State as one of the offenses listed in this Section, when any of these offenses have been committed against a family or household member as defined in Section 112A-3 of the Code of Criminal Procedure of 1963.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: Created - P.A. 84-1305 (August 21, 1986); Amended - P.A. 88-430, 88-467, 88-670, 90-241, 90-732, 90-734, 91-112, 91-357, 92-827, Renumbered by 96-1551, Amended by 97-311. Amended by P. A. 97-0919 (Eff: 8-10-12) and 97-1109 (Eff: 1-1-13).

CHARGE: Misdemeanor (Class A)

BOND: Must be Set by Judge
(Sup. Ct. Rule 528(d))

720 ILCS 5/ 12-3.5(a)

UNLAWFUL INTERFERENCE WITH THE REPORTING OF DOMESTIC VIOLENCE

In violation of SECTION 12-3.5(a) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), after having committed the act of domestic violence (describe the act of domestic violence), knowingly prevented¹ Dawn Smith, the victim of that act of domestic violence,² from calling the Union City 9-1-1 Emergency Telephone System.³

¹or attempted to prevent; ²or a witness to that act of domestic violence; ³or obtaining medical assistance or making a report to any law enforcement official

NOTE: "Domestic Violence," for the purposes of this offense, has the meaning ascribed to it in Section 112A-3 of the Code of Criminal Procedure of 1963.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: Created by Public Act 90-118 (Eff: 1-1-98). Amended and re-numbered by Public Act 96-1551; Eff: 7-1-11.

CHARGE: Misdemeanor (Class A)

BOND: \$1,500

720 ILCS 5/ 12-3.6(b)

UNLAWFUL DISCLOSURE OF LOCATION OF
DOMESTIC VIOLENCE VICTIM

In violation of SECTION 12-3.6(b) ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), published¹ the location of Dawn Smith, a domestic violence victim, without the authorization of Dawn Smith, and said defendant knew that such publication² would result in³ the threat of bodily harm to Dawn Smith.

¹or disseminated or otherwise disclosed; ²or dissemination or disclosure; ³or had the substantial likelihood of resulting in

NOTE: "Domestic violence" means attempting to cause or causing abuse of a family or household member or high-risk adult with disabilities, or attempting to cause or causing neglect or exploitation of a high-risk adult with disabilities which threatens the adult's health and safety. "Family or household member" means a spouse, person living as a spouse, parent, or other adult person related by consanguinity or affinity, who is residing or has resided with the person committing domestic violence. "Family or household member" includes a high-risk adult with disabilities who resides with or receives care from any person who has the responsibility for a high-risk adult as a result of a family relationship or who has assumed responsibility for all or a portion of the care of an adult with disabilities voluntarily, by express or implied contract, or by court order. "High-risk adult with disabilities" means a person aged 18 or over whose physical or mental disability impairs his or her ability to seek or obtain protection from abuse, neglect, or exploitation. "Abuse", "exploitation", and "neglect" have the meanings ascribed to those terms in Section 103 of the Illinois Domestic Violence Act of 1986.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: Created - P.A. 87-441 (September 11, 1991). Amended by P.A. 88-45, § 45-1 and § 45-2 renumbered as § 12-3.6 and amended by P.A. 96-1551, eff. July 1, 2011.

CHARGE: Misdemeanor (Class A)

BOND: \$1,500

720 ILCS 5/ 12-4.4a(a)(1)

ABUSE OF A LONG-TERM HEALTH CARE FACILITY RESIDENT

In violation of SECTION 12-4.4a(a)(1) ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), the owner¹ of Happy Manor, a long-term care facility, abused Dawn Smith, a resident of Happy Manor, in that said defendant knowingly caused physical² injury to Dawn Smith by striking Dawn Smith in the face with his fist..

¹or licensee or any other person; ²or mental injury or by committing any sexual offense set forth in this Code

NOTE: “Licensee” means the individual or entity licensed to operate a facility under the Nursing Home Care Act, the MR/DD Community Care Act, or the Assisted Living and Shared Housing Act. “Long term care facility” means a private home, institution, building, residence, or other place, whether operated for profit or not, or a county home for the infirm and chronically ill operated pursuant to Division 5-21 or 5-22 of the Counties Code, or any similar institution operated by the State of Illinois or a political subdivision thereof, which provides, through its ownership or management, personal care, sheltered care, or nursing for 3 or more persons not related to the owner by blood or marriage. The term also includes skilled nursing facilities and intermediate care facilities as defined in Titles XVIII and XIX of the federal Social Security Act and assisted living establishments and shared housing establishments licensed under the Assisted Living and Shared Housing Act. “Owner” means the owner a long term care facility as provided in the Nursing Home Care Act, the owner of a facility as provided in the MR/DD Community Care Act, or the owner of an assisted living or shared housing establishment as provided in the Assisted Living and Shared Housing Act. “Resident” means a person residing in a long term care facility. “Willful deprivation” has the meaning ascribed to it in paragraph (15) of Section 103 of the Illinois Domestic Violence Act of 1986.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: Created - P.A. 83-1530 (January 18, 1985); Amended - P.A. 85-1310 and 93-301. Amended and re-numbered by Public Act 96-1551; Eff: 7-1-11.

CHARGE: Felony (Class 3)

BOND: Must be Set by Judge

720 ILCS 5/ 12-4.4a(a)(2)(A)

CRIMINAL NEGLECT OF A LONG-TERM HEALTH CARE FACILITY RESIDENT

In violation of SECTION 12-4.4a(a)(2)(A) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), the owner¹ of Happy Manor, a long-term care facility, criminally neglected Dawn Smith, a resident of Happy Manor, in that said defendant recklessly gave a sedative² to Dawn Smith which caused the life of Dawn Smith to be endangered³.

¹or licensee or any other person; ²or performed any act which caused a resident's life to be endangered, health to be injured, or pre-existing physical or mental condition to deteriorate, or would create a substantial likelihood that the resident's life would be endangered, health would be injured, or pre-existing physical or mental condition would deteriorate; ³or caused the resident's health to be injured, or caused a pre-existing physical or mental condition to deteriorate, or that created the substantial likelihood that an elderly person's or a person with a disability's life would be endangered, health would be injured, or a pre-existing physical or mental condition would deteriorate.

NOTE: "Licensee" means the individual or entity licensed to operate a facility under the Nursing Home Care Act, the MR/DD Community Care Act, or the Assisted Living and Shared Housing Act. "Long term care facility" means a private home, institution, building, residence, or other place, whether operated for profit or not, or a county home for the infirm and chronically ill operated pursuant to Division 5-21 or 5-22 of the Counties Code, or any similar institution operated by the State of Illinois or a political subdivision thereof, which provides, through its ownership or management, personal care, sheltered care, or nursing for 3 or more persons not related to the owner by blood or marriage. The term also includes skilled nursing facilities and intermediate care facilities as defined in Titles XVIII and XIX of the federal Social Security Act and assisted living establishments and shared housing establishments licensed under the Assisted Living and Shared Housing Act. "Owner" means the owner a long term care facility as provided in the Nursing Home Care Act, the owner of a facility as provided in the MR/DD Community Care Act, or the owner of an assisted living or shared housing establishment as provided in the Assisted Living and Shared Housing Act. "Resident" means a person residing in a long term care facility. "Willful deprivation" has the meaning ascribed to it in paragraph (15) of Section 103 of the Illinois Domestic Violence Act of 1986.

CHARGING NOTE: A person whose criminal neglect of a long-term care facility resident results in the resident's death is guilty of a Class 3 felony. Simple neglect of a long term care facility resident is a petty offense. See the Sentencing Guide.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: Amended and re-numbered by Public Act 96-1551; Eff: 7-1-11.

CHARGE: Felony (Class 4)

BOND: Must be Set by Judge

720 ILCS 5/ 12-4.4a(a)(2)(B)

CRIMINAL NEGLECT OF A LONG-TERM HEALTH CARE FACILITY RESIDENT

In violation of SECTION 12-4.4a(a)(2)(B) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), the owner¹ of Happy Manor, a long-term care facility, criminally neglected Dawn Smith, a resident of Happy Manor, in that said defendant recklessly failed to provide adequate medical care² which the defendant knew³ were necessary to maintain⁴ the health⁵ of Dawn Smith and the failure to provide adequate medical care resulted in the life of Dawn Smith to be endangered⁶.

¹or licensee or any other person; ²or to perform any act which are necessary to maintain or preserve the life or health of a resident; ³or should have known; ⁴or preserve; ⁵or or life; ⁶or the resident's health to be injured, or a pre-existing physical or mental condition to deteriorate, or that created the substantial likelihood that an elderly person's or a person with a disability's life would be endangered, health would be injured, or a pre-existing physical or mental condition would deteriorate.

NOTE: "Licensee" means the individual or entity licensed to operate a facility under the Nursing Home Care Act, the MR/DD Community Care Act, or the Assisted Living and Shared Housing Act. "Long term care facility" means a private home, institution, building, residence, or other place, whether operated for profit or not, or a county home for the infirm and chronically ill operated pursuant to Division 5-21 or 5-22 of the Counties Code, or any similar institution operated by the State of Illinois or a political subdivision thereof, which provides, through its ownership or management, personal care, sheltered care, or nursing for 3 or more persons not related to the owner by blood or marriage. The term also includes skilled nursing facilities and intermediate care facilities as defined in Titles XVIII and XIX of the federal Social Security Act and assisted living establishments and shared housing establishments licensed under the Assisted Living and Shared Housing Act. "Owner" means the owner a long term care facility as provided in the Nursing Home Care Act, the owner of a facility as provided in the MR/DD Community Care Act, or the owner of an assisted living or shared housing establishment as provided in the Assisted Living and Shared Housing Act. "Resident" means a person residing in a long term care facility. "Willful deprivation" has the meaning ascribed to it in paragraph (15) of Section 103 of the Illinois Domestic Violence Act of 1986.

CHARGING NOTE: A person whose criminal neglect of a long-term care facility resident results in the resident's death is guilty of a Class 3 felony. Neglect of a long term care facility resident is a petty offense. See the Sentencing Guide.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: Amended and re-numbered by Public Act 96-1551; Eff: 7-1-11.

CHARGE: Felony (Class 4)

BOND: Must be Set by Judge

720 ILCS 5/ 12-4.4a(a)(2)(C)

CRIMINAL NEGLECT OF A LONG-TERM HEALTH CARE FACILITY RESIDENT

In violation of SECTION 12-4.4a(a)(2)(C) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), the owner¹ of Happy Manor, a long-term care facility, criminally neglected Dawn Smith, a resident of Happy Manor, in that said defendant abandoned Dawn Smith.

¹or licensee or any other person;

NOTE: “Licensee” means the individual or entity licensed to operate a facility under the Nursing Home Care Act, the MR/DD Community Care Act, or the Assisted Living and Shared Housing Act. “Long term care facility” means a private home, institution, building, residence, or other place, whether operated for profit or not, or a county home for the infirm and chronically ill operated pursuant to Division 5-21 or 5-22 of the Counties Code, or any similar institution operated by the State of Illinois or a political subdivision thereof, which provides, through its ownership or management, personal care, sheltered care, or nursing for 3 or more persons not related to the owner by blood or marriage. The term also includes skilled nursing facilities and intermediate care facilities as defined in Titles XVIII and XIX of the federal Social Security Act and assisted living establishments and shared housing establishments licensed under the Assisted Living and Shared Housing Act. “Owner” means the owner a long term care facility as provided in the Nursing Home Care Act, the owner of a facility as provided in the MR/DD Community Care Act, or the owner of an assisted living or shared housing establishment as provided in the Assisted Living and Shared Housing Act. “Resident” means a person residing in a long term care facility. “Willful deprivation” has the meaning ascribed to it in paragraph (15) of Section 103 of the Illinois Domestic Violence Act of 1986.

CHARGING NOTE: A person whose criminal neglect of a long-term care facility resident results in the resident’s death is guilty of a Class 3 felony. Neglect of a long term care facility resident is a petty offense. See the Sentencing Guide.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: Amended and re-numbered by Public Act 96-1551; Eff: 7-1-11.

CHARGE: Felony (Class 4)

BOND: Must be Set by Judge

720 ILCS 5/ 12-4.4a(a)(3)

NEGLECT OF A LONG-TERM HEALTH CARE FACILITY RESIDENT

In violation of SECTION 12-4.4a(a)(3) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), the owner¹ of Happy Manor, a long-term care facility, neglected Dawn Smith, a resident of Happy Manor, in that said defendant negligently failed to provide adequate medical care² which resulted in the deterioration of Dawn Smith's physical³ condition.

¹or licensee or any other person; ²or personal care or maintenance; ³or mental condition or which resulted in a physical or mental injury;

NOTE: “Licensee” means the individual or entity licensed to operate a facility under the Nursing Home Care Act, the MR/DD Community Care Act, or the Assisted Living and Shared Housing Act. “Long term care facility” means a private home, institution, building, residence, or other place, whether operated for profit or not, or a county home for the infirm and chronically ill operated pursuant to Division 5-21 or 5-22 of the Counties Code, or any similar institution operated by the State of Illinois or a political subdivision thereof, which provides, through its ownership or management, personal care, sheltered care, or nursing for 3 or more persons not related to the owner by blood or marriage. The term also includes skilled nursing facilities and intermediate care facilities as defined in Titles XVIII and XIX of the federal Social Security Act and assisted living establishments and shared housing establishments licensed under the Assisted Living and Shared Housing Act. “Owner” means the owner a long term care facility as provided in the Nursing Home Care Act, the owner of a facility as provided in the MR/DD Community Care Act, or the owner of an assisted living or shared housing establishment as provided in the Assisted Living and Shared Housing Act. “Resident” means a person residing in a long term care facility. “Willful deprivation” has the meaning ascribed to it in paragraph (15) of Section 103 of the Illinois Domestic Violence Act of 1986.

NOTE: An owner or licensee is guilty of this offense only if the owner or licensee failed to exercise reasonable care in the hiring, training, supervising, or providing of staff or other related routine administrative responsibilities. See the **Sentencing Guide**.

IMPORTANT: For sentencing and alternative charging information see the **Sentencing Guide**.

Legislative History: Amended and re-numbered by Public Act 96-1551; Eff: 7-1-11.

CHARGE: Petty Offense

BOND: No bond is now needed.
Public Act: 98-0870; Eff: 1-1-15.

720 ILCS 5/ 12-4.4a(b)(1)(A)

CRIMINAL ABUSE¹ OF AN ELDERLY PERSON²

In violation of SECTION 12-4.4a(b)(1)(A) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), a caregiver of Dawn Smith, abused Dawn Smith, an elderly person² in that said defendant knowingly gave a sedative to Dawn Smith which caused the life of Dawn Smith to be endangered³.

¹or Criminal Neglect, ²or a person with a disability; ³or performed any act which caused a elderly person's or the life of a person with a disability to be endangered, health to be injured, or pre-existing physical or mental condition to deteriorate.

NOTE: "Caregiver" does not include a long-term care facility licensed or certified under the Nursing Home Care Act or a facility licensed or certified under the MR/DD Community Care Act, or any administrative, medical, or other personnel of such a facility, or a health care provider who is licensed under the Medical Practice Act of 1987 and renders care in the ordinary course of his or her profession. "Elderly person" means a person 60 years of age or older who is incapable of adequately providing for his or her own health and personal care. "Person with a disability" means a person who suffers from a permanent physical or mental impairment, resulting from disease, injury, functional disorder, or congenital condition, which renders the person incapable of adequately providing for his or her own health and personal care.

CHARGING AND SENTENCING NOTE: A person whose abuse of an elderly person or a person with a disability results in the death of that person is guilty of a Class 2 felony and if imprisonment is imposed, it shall be for a minimum term of 3 years and a maximum term of 14 years. See the Sentencing Guide.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: Amended and re-numbered by Public Act 96-1551; Eff: 7-1-11.

CHARGE: Felony (Class 3)

BOND: Must be Set by Judge

720 ILCS 5/ 12-4.4a(b)(1)(B)

CRIMINAL NEGLECT¹ OF AN ELDERLY PERSON²

In violation of SECTION 12-4.4a(b)(1)(B) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), a caregiver of Dawn Smith, neglected Dawn Smith, an elderly person² in that said defendant knowingly failed gave medication to Dawn Smith which said defendant knew³ was necessary to maintain the health⁴ of Dawn Smith and said failure of the defendant caused the health⁴ of Dawn Smith to be endangered⁵.

¹or Criminal Abuse, ²or a person with a disability; ³or reasonable should have known; ⁴or the life; ⁵or health to be injured, or pre-existing physical or mental condition to deteriorate.

NOTE: “Caregiver” does not include a long-term care facility licensed or certified under the Nursing Home Care Act or a facility licensed or certified under the MR/DD Community Care Act, or any administrative, medical, or other personnel of such a facility, or a health care provider who is licensed under the Medical Practice Act of 1987 and renders care in the ordinary course of his or her profession. “Elderly person” means a person 60 years of age or older who is incapable of adequately providing for his or her own health and personal care. “Person with a disability” means a person who suffers from a permanent physical or mental impairment, resulting from disease, injury, functional disorder, or congenital condition, which renders the person incapable of adequately providing for his or her own health and personal care. “Willful deprivation” has the meaning ascribed to it in paragraph (15) of Section 103 of the Illinois Domestic Violence Act of 1986.

CHARGING AND SENTENCING NOTE: A person whose abuse of an elderly person or a person with a disability results in the death of that person is guilty of a Class 2 felony and if imprisonment is imposed, it shall be for a minimum term of 3 years and a maximum term of 14 years. See the Sentencing Guide.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: Amended and re-numbered by Public Act 96-1551; Eff: 7-1-11.

CHARGE: Felony (Class 3)

BOND: Must be Set by Judge

720 ILCS 5/ 12-4.4a(b)(1)(C)

CRIMINAL NEGLECT¹ OF AN ELDERLY PERSON²

In violation of SECTION 12-4.4a(b)(1)(C) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant’s name), a caregiver of Dawn Smith, neglected² Dawn Smith, an elderly person³ in that said defendant knowingly abandoned Dawn Smith.

¹or Criminal Abuse; ²or abused; ³a person with a disability.

NOTE: “Caregiver” does not include a long-term care facility licensed or certified under the Nursing Home Care Act or a facility licensed or certified under the MR/DD Community Care Act, or any administrative, medical, or other personnel of such a facility, or a health care provider who is licensed under the Medical Practice Act of 1987 and renders care in the ordinary course of his or her profession. “Elderly person” means a person 60 years of age or older who is incapable of adequately providing for his or her own health and personal care. “Person with a disability” means a person who suffers from a permanent physical or mental impairment,

resulting from disease, injury, functional disorder, or congenital condition, which renders the person incapable of adequately providing for his or her own health and personal care.

CHARGING AND SENTENCING NOTE: A person whose abuse of an elderly person or a person with a disability results in the death of that person is guilty of a Class 2 felony and if imprisonment is imposed, it shall be for a minimum term of 3 years and a maximum term of 14 years. See the Sentencing Guide.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: Amended and re-numbered by Public Act 96-1551; Eff: 7-1-11.

CHARGE: Felony (Class 3) **BOND:** Must be Set by Judge

720 ILCS 5/ 12-4.4a(b)(1)(D)

CRIMINAL NEGLECT¹ OF AN ELDERLY PERSON²

In violation of SECTION 12-4.4a(b)(1)(D) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant’s name), a caregiver of Dawn Smith, abused² Dawn Smith, an elderly person³ in that said defendant knowingly physically abused⁴ Dawn Smith in that (describe the physical abuse).

¹or Criminal Abuse; ²or neglected; ³a person with a disability; ⁴or harassed, intimidated, or interfered with the person liberty.

NOTE: “Caregiver” does not include a long-term care facility licensed or certified under the Nursing Home Care Act or a facility licensed or certified under the MR/DD Community Care Act, or any administrative, medical, or other personnel of such a facility, or a health care provider who is licensed under the Medical Practice Act of 1987 and renders care in the ordinary course of his or her profession. “Elderly person” means a person 60 years of age or older who is incapable of adequately providing for his or her own health and personal care. “Person with a disability” means a person who suffers from a permanent physical or mental impairment, resulting from disease, injury, functional disorder, or congenital condition, which renders the person incapable of adequately providing for his or her own health and personal care.

CHARGING AND SENTENCING NOTE: A person whose abuse of an elderly person or a person with a disability results in the death of that person is guilty of a Class 2 felony and if imprisonment is imposed, it shall be for a minimum term of 3 years and a maximum term of 14 years. See the Sentencing Guide.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: Amended and re-numbered by Public Act 96-1551; Eff: 7-1-11.

CHARGE: Felony (Class 3)

BOND: Must be Set by Judge

720 ILCS 5/ 12-4.4a(b)(1)(E)

CRIMINAL NEGLECT¹ OF AN ELDERLY PERSON²

In violation of SECTION 12-4.4a(b)(1)(E) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant’s name), a caregiver of Dawn Smith, abused² Dawn Smith, an elderly person³ in that said defendant knowingly exposed Dawn Smith to willful deprivation in that (describe the willful deprivation).

¹or Criminal Abuse; ²or neglected; ³a person with a disability.

NOTE: “Caregiver” does not include a long-term care facility licensed or certified under the Nursing Home Care Act or a facility licensed or certified under the MR/DD Community Care Act, or any administrative, medical, or other personnel of such a facility, or a health care provider who is licensed under the Medical Practice Act of 1987 and renders care in the ordinary course of his or her profession. “Elderly person” means a person 60 years of age or older who is incapable of adequately providing for his or her own health and personal care. “Person with a disability” means a person who suffers from a permanent physical or mental impairment, resulting from disease, injury, functional disorder, or congenital condition, which renders the person incapable of adequately providing for his or her own health and personal care. “Willful deprivation” has the meaning ascribed to it in paragraph (15) of Section 103 of the Illinois Domestic Violence Act of 1986.

CHARGING AND SENTENCING NOTE: A person whose neglect of an elderly person or a person with a disability results in the death of that person is guilty of a Class 2 felony and if imprisonment is imposed, it shall be for a minimum term of 3 years and a maximum term of 14 years. See the Sentencing Guide.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: Amended and re-numbered by Public Act 96-1551; Eff: 7-1-11.

CHARGE: Felony (Class 3)

BOND: Must be Set by Judge

720 ILCS 5/ 12-4.5

UNLAWFUL TAMPERING WITH FOOD, DRUGS, OR COSMETICS

In violation of SECTION 12-4.5 of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), knowingly put potassium cyanide, a substance capable of causing death to a human being,¹ into milk² offered for sale³ at the Union City Mega Market located at 777 May Street, Union City, Illinois.

¹or any substance capable of causing death or great bodily harm to a human being; ²or any food, drug or cosmetic; ³or for consumption

NOTE: The phrase "without legal justification" has been deleted. See Appendix B for an explanation.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: Created - P.A. 84-1428 (July 1, 1987); Renumbered § 12-4.5 and amended by P.A. 84-1438. Amended by P.A. 96-1551, eff. July 1, 2011.

CHARGE: Felony (Class 2)

BOND: Must be Set by Judge

720 ILCS 5/ 12-5(a)(1)

RECKLESS CONDUCT

In violation of SECTION 12-5(a)(1) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), endangered the bodily safety of¹ Don Smith in that, while acting in a reckless manner, he drove his 2008 Ford Falcon onto and over the railroad crossing located at 777 May Street, Union City, Union County, Illinois, while an approaching railroad train was plainly visible and was in hazardous proximity to such crossing and Don Smith was a passenger in said truck.

¹or caused bodily harm to

NOTE: The alleged act or acts which make up the reckless conduct must be described in the body of the complaint. Also, the defendant's act may be lawful or unlawful.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: Codified - Laws 1961, p.1983 (January 1, 1962); Amended - P.A. 77-2638, 93-710 and 96-1551; Eff. 7-1-11.

CHARGE: Misdemeanor (Class A)

BOND: \$1,500

720 ILCS 5/ 12-5(a)(2)

RECKLESS CONDUCT

In violation of SECTION 12-5(a)(2) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), while acting in a reckless manner, caused great bodily harm¹ to Don Smith in that he (describe the act or acts that caused the great bodily harm to the victim).

¹or caused permanent disability or disfigurement

NOTE: The alleged act or acts which make up the reckless conduct must be described in the body of the complaint. Also, the defendant's act or acts may be lawful or unlawful.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: Amended and re-numbered by Public Act 96-1551; Eff. 7-1-11..

CHARGE: Felony (Class 4)

BOND: Must be Set by Judge

720 ILCS 5/ 12-5.01(a)

CRIMINAL TRANSMISSION OF HIV

In violation of SECTION 12-5.01(a) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), knowing that he¹ was infected with the human immunodeficiency virus² (HIV) and with the specific intent to commit this offense, engaged in sexual activity with Dawn Smith³ without the use of a condom.

¹or she; ²or any other identified causative agent of acquired immunodeficiency syndrome;
³or any other person

DEFINITION: "Sexual activity" means the insertive vaginal or anal intercourse on the part of an infected male, receptive consensual vaginal intercourse on the part of an infected woman with a male partner, or receptive consensual anal intercourse on the part of an infected man or woman with a male partner.

CHARGING NOTE: This offense may also be committed by (1) transferring, donating, or providing his or her blood, tissue, semen, organs, or other potentially infectious body fluids for transfusion, transplantation, insemination, or other administration to another or by (2) dispensing, delivering, exchanging, selling or in any other way transferring to another any non-sterile intravenous or intramuscular drug paraphernalia.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: Amended and re-numbered by Public Act 96-1551; Eff: 7-1-11 and re-enacted by P. A. 97-1046. Eff: 8-21-12.

CHARGE: Felony (Class 2) **BOND:** Must be Set by Judge

(Amended Complaint)

720 ILCS 5/ 12-5.02(a)

VEHICULAR ENDANGERMENT

In violation of SECTION 12-5.02(a) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), with the intent to strike the 2012 Ford Falcon¹ driven by Don Smith, threw² a stone weighing twelve pounds³ from an overpass⁴ located at the intersection of North Street and South Avenue in Union City, Illinois, and struck the 2012 Ford Falcon¹ driven by Don Smith as it traveled upon an Illinois highway.

¹any motor vehicle; ²or caused by any means to fall; ³or any object; ⁴or other elevated location.

NOTE: An "object" means any object or substance that by its size, weight, or consistency is likely to cause great bodily harm to any occupant of a motor vehicle. "Overpass" means any structure that passes over a highway. "Motor vehicle" and "highway" have the meanings as defined in the Illinois Vehicle Code. (720 ILCS 5/12-5.02(c)) "Elevated location" means a bridge, overpass, highway ramp, building, artificial structure, hill, mound, or natural elevation above or adjacent to and above a highway.

CHARGING NOTE: This offense is a Class 1 felony if the conduct of the defendant results in the death.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: Created - P.A. 88-467 (Eff: 7-1-94). Amended by Public Act 96-1551; (Eff: 7-1-11) **and by Public Act 99-656; (Eff: 1-1-17).**

CHARGE: Felony (Class 2)

BOND: Must be Set by Judge

720 ILCS 5/ 12-5.1

CRIMINAL HOUSING MANAGEMENT

In violation of SECTION 12-5.1 of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant’s name), having control¹ of the house² located at 777 May Street in Union City, Illinois, recklessly permitted the physical condition³ of that house to remain⁴ in a condition which endangered the safety⁵ of Don Smith⁶.

¹or having personal management; ²or any residential real estate, whether as a legal or equitable owner or as a managing agent or otherwise; ³or facilities; ⁴or become; ⁵or health; ⁶or any person other than the defendant.

CHARGING NOTE: A subsequent conviction for a violation of this offense is a Class 4 felony. The charging instrument must state the prior conviction. See Appendix A for discussion.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: Created - Laws 1965, p.2620 (January 1, 1966); Amended - P.A. 77-2638, 85-341 and 96-1551; Eff: 7-1-11.

CHARGE: Misdemeanor (Class A)

BOND: \$1,500

720 ILCS 5/ 12-5.1a

AGGRAVATED CRIMINAL HOUSING MANAGEMENT

In violation of SECTION 12-5.1a of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant’s name), while committing the offense of Criminal Housing Management in violation of Section 12-5.1 of Act 5 of Chapter 720 of the Illinois Compiled Statutes, recklessly concealed¹ the condition of the house located at 777 May Street in Union City, Illinois that endangered the safety² of Don Smith³ and the above described condition of the house and the conduct of said defendant were contributing factors in the subsequent death of Don Smith³.

¹or attempted to conceal; ²or health; ³or any person other than the defendant.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: Created Public Act 94-852 (8-2-04). Renumbered and amended as § 12-5.1a by 96-1551, eff. July 1, 2011.

CHARGE: Felony (Class 4)

BOND: Must be Set by Judge

720 ILCS 5/ 12-5.3(a)(1)

UNLAWFUL USE OF A DANGEROUS PLACE FOR THE COMMISSION OF A CONTROLLED SUBSTANCE¹ OFFENSE

In violation of SECTION 12-5.3(a)(1) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant’s name), knowingly exercised control over a place, a house located at 777 May Street, Union City, Illinois, with the intent to use that place to manufacture² a controlled substance,³ to wit: cocaine, and that place, by virtue of the presence of the substances⁴ used⁵ to manufacture cocaine, presented a substantial risk of injury to any person from fire.⁶

¹or a cannabis; ²or produce, deliver, or possess with intent to deliver; ³or a counterfeit substance or a controlled substance analog in violation of Section 401 of the Illinois Controlled Substances Act or to manufacture, produce, deliver, or possess with the intent to deliver cannabis in violation of Section 5, 5.1, 5.2, 7, or 8 of the Cannabis Control Act; ⁴or substance; ⁵or intended to be used; ⁶or explosion, or exposure to toxic or noxious chemicals or gas

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: Created - P.A. 93-516 (1-1-04) Amended and Re-numbered by Public Act 96-1551; Eff: 7-1-11.

CHARGE: Felony (Class 1)

BOND: Must be Set by Judge

720 ILCS 5/ 12-6(a)(1)

INTIMIDATION

In violation of SECTION 12-6(a)(1) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant’s name), with the intent to cause Don Smith to perform¹ an act, the payment of \$1,000 United States currency to William Smith, communicated to Don Smith a threat, by telephone,² to inflict, without lawful authority, physical harm upon Don Smith.³

¹or omit the performance of any act; ²either directly or indirectly by any means; ³or any other person or property

NOTE: Intimidation indictment was not fatally defective for failing to allege that the communication was in person, by mail, or by telephone. People v. Libbra (5th Dist., 1994), 268 Ill. App. 3d 194.

SENTENCING NOTE: Intimidation is a Class 3 felony for which an offender may be sentenced to a term of imprisonment of not less than 2 years and not more than 10 years.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: Codified - Laws 1961, p.1983 (January 1, 1962); Amended - Laws 1965, p.387; P.A.s 77-2638, 85-1210, 88-680, Re-enacted by 91-969 and Amended by 96-1551; Eff: 7-1-11.

CHARGE: Felony (Class 3)

BOND: Must be Set by Judge

720 ILCS 5/ 12-6(a)(2)

INTIMIDATION

In violation of SECTION 12-6(a)(2) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), with the intent to cause Don Smith to perform¹ an act, the payment of \$1,000 United States currency to James Brown, communicated to Don Smith a threat, by telephone,² to subject, without lawful authority, Dawn Smith³ to physical confinement.⁴

¹or omit the performance of any act; ²either directly or indirectly by any means; ³or any other person; ⁴or restraint

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: This complaint was recently amended by Public Act 96-1551; Eff: 7-1-11.

CHARGE: Felony (Class 3)

BOND: Must be Set by Judge

720 ILCS 5/ 12-6(a)(3)

INTIMIDATION

In violation of SECTION 12-6(a)(3) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), with the intent to cause Don Smith to perform¹ an act, the payment of \$1,000 United States currency to James Brown, communicated to Don Smith, by telephone,² a threat to commit the criminal offense of first degree murder,³ in violation of Section 9-1 of Act 5 of Chapter 720 of the Illinois Compiled Statutes, in that he stated he would kill Don Smith by shooting him in the head with a sawed-off shotgun unless the \$1,000 was immediately paid to James Brown.

¹or omit the performance of any act; ²either directly or indirectly by any means; ³any felony or Class A misdemeanor.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: This complaint was recently amended by Public Act 96-1551; Eff: 7-1-11.

CHARGE: Felony (Class 3)

BOND: Must be Set by Judge

720 ILCS 5/ 12-6(a)(4)

INTIMIDATION

In violation of SECTION 12-6(a)(4) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), with the intent to cause Don Smith to omit the performance of an act,¹ the publication of an editorial in the Union City Blab concerning the activities of James Brown, communicated to Don Smith, by telephone,² a threat to accuse, without lawful authority, Don Smith³ of the offense of Criminal Sexual Assault, in violation of Section 12-13 of Act 5 of Chapter 720 of the Illinois Compiled Statutes.⁴

¹or perform any act; ²either directly or indirectly by any means; ³any person; ⁴any offense

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: This complaint was recently amended by Public Act 96-1551; Eff: 7-1-11.

CHARGE: Felony (Class 3)

BOND: Must be Set by Judge

720 ILCS 5/ 12-6(a)(5)

INTIMIDATION

In violation of SECTION 12-6(a)(5) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), with the intent to cause Don Smith to perform¹ an act, the payment of \$1,000 United States currency to James Brown, communicated to Don Smith, by telephone,² a threat to expose, without lawful authority, Don Smith to ridicule.³

¹or omit the performance of any act; ²either directly or indirectly by any means; ³or hatred or contempt

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: This complaint was recently amended by Public Act 96-1551; Eff: 7-1-11.

CHARGE: Felony (Class 3)

BOND: Must be Set by Judge

720 ILCS 5/ 12-6(a)(6)

INTIMIDATION

In violation of SECTION 12-6(a)(6) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), with the intent to cause Don Smith to perform¹ an act, the payment of \$1,000 United States currency to James Brown, communicated to Don Smith, by telephone,² a threat to take action as a public official,³ without lawful authority, against Don Smith,⁴ in that James Brown, the Sheriff of Union County, threatened the arrest of Don Smith.

¹or omit the performance of any act; ²either directly or indirectly by any means; ³or withhold official action, or cause such action or withholding; ⁴or anyone or anything

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: This complaint was recently amended by Public Act 96-1551; Eff: 7-1-11.

CHARGE: Felony (Class 3)

BOND: Must be Set by Judge

720 ILCS 5/ 12-6(a)(7)

INTIMIDATION

In violation of SECTION 12-6(a)(7) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), with the intent to cause Don Smith to perform¹ an act, the payment of \$1,000 United States currency to James Brown, communicated to Don Smith, by telephone,² a threat to continue,³ without lawful authority, a strike⁴ at Don Smith's Hardware Store located at 777 May Street, Union City, Union County, Illinois.

¹or omit the performance of any act; ²either directly or indirectly by any means; ³or bring about; ⁴or boycott or other collective action

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: This complaint was recently amended by Public Act 96-1551; Eff: 7-1-11.

CHARGE: Felony (Class 3)

BOND: Must be Set by Judge

720 ILCS 5/ 12-6.2

AGGRAVATED INTIMIDATION

In violation of SECTION 12-6.2 of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), committed the offense of intimidation¹ in that with the intent to cause Don Smith to perform² an act, the payment of \$1,000 United States currency to James Brown, communicated to Don Smith a threat, by telephone,³ to inflict, without lawful authority, physical harm upon Don Smith,⁴ and said offense of intimidation was committed in furtherance of the activities of the Crazy Aces, an organized gang.⁵

¹any of the various forms of the offense; ²or omit the performance of any act; ³or in person or by mail; ⁴or any other person or property; ⁵or by the person's membership in or allegiance to an organized gang

NOTE: It is also a violation of this offense if the defendant commits intimidation with the intent to prevent any person from becoming a community policing volunteer (12-6.2(a)(2)), or if the defendant knew, when the offense of intimidation was committed, that the victim was a peace officer, a correctional institution employee, a fireman, or a community policing volunteer and the offense of intimidation was committed (i) while the victim was engaged in the execution of his or her official duties, or (ii) to prevent the victim from performing his or her official duties, or (iii) in retaliation for the victim's performance of his or her official duties, or (iv) by reason of any person's activity as a community policing volunteer or (v) a civilian reporting information regarding a forcible felony to a law enforcement agency; (12-6.2(a)(3)). These offenses are both Class 2 felonies for which the offender may be sentenced to not less than 3 years nor more than 14 years of imprisonment. See Sentencing Guide.

NOTE: For the purposes of this Section, "street gang," "street gang member," and "organized gang" have the meanings ascribed to them in Section 10 of the Illinois Street Gang Terrorism Omnibus Prevention Act. (740 ILCS 147/10)

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: Created by Public Act 89-631 (Eff: 1-1-97). Amended: 90-651 and 97-0162; Eff: 1-1-12.

CHARGE: Felony (Class 1)

BOND: Must be Set by Judge

720 ILCS 5/ 12-6.4(a)

UNLAWFUL CRIMINAL STREET GANG RECRUITMENT
ON SCHOOL GROUNDS¹

In violation of SECTION 12-6.4(a) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), while on the school grounds¹ of the Union City High School, **knowingly** threatened the use of physical force in order to coerce² Don Smith³ to join⁴ the Aces Street Gang.

¹or on public property adjacent to school grounds; ²or solicit, recruit, or induce; ³any other person; ⁴or to remain a member of a criminal street gang or conspired to do so

NOTE: In this Section, "school grounds" means the building or buildings or real property comprising a public or private elementary or secondary, community college, college, or university and includes a school yard, school playing field, or school playground.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: Created - Public Act 93-938 (Eff: 1-1-05). Amended: P. A. 96-1551; Eff: 7-1-11.

CHARGE: Felony (Class 1)

BOND: Must be Set by Judge

720 ILCS 5/ 12-6.4(a-5)

UNLAWFUL CRIMINAL STREET GANG RECRUITMENT OF A MINOR

In violation of SECTION 12-6.4(a-5) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), threatened the use of physical force by means of a telecommunications device¹ to coerce² Don Smith, a minor³, to join⁴ the Aces Street Gang, a criminal street gang.

¹or by means of the Internet; ² or to solicit, recruit, or induce; ³ or any minor (See **Warning** below; ⁴or to remain a member of a criminal street gang or conspired to do so whether or not such threat is communicated in person

NOTE: A “minor” for purposes of this offense means any person under 18 years of age. (720 ILCS 5/ 12-6.4(c))

NOTE: "Internet" means an interactive computer service or system or an information service, system, or access software provider that provides or enables computer access by multiple users to a computer server, and includes, but is not limited to, an information service, system, or access software provider that provides access to a network system commonly known as the Internet, or any comparable system or service and also includes, but is not limited to, a World Wide Web page, newsgroup, message board, mailing list, or chat area on any interactive computer service or system or other online service. (720 ILCS 5/ 12-6.4(c)) "Telecommunications device" means a device that is capable of receiving or transmitting speech, data, signals, text, images, sounds, codes, or other information including, but not limited to, paging devices, telephones, and cellular and mobile telephones. (720 ILCS 5/ 12-6.4(c))

WARNING: This Section is entitled “unlawful criminal street gang recruitment of a “minor.” However, the language of the statute describes the recruitment of a “person,” but does not limit that recruitment to only minors. It is unclear whether or not the application of this offense is limited only to situations where the victims are minors. I have made the victim of this model complaint a minor to be consistent with the title of this offense. You must decide whether or not to charge this offense if or when you have a victim of this type of conduct who happens to be over 18 years of age.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: Subsection created - Public Act 96-199, eff. 1-1-10; Amended: 96-1551.

CHARGE: Felony (Class 1)

BOND: Must be Set by Judge

720 ILCS 5/ 12-6.5

COMPELLING ORGANIZATION MEMBERSHIP

In violation of SECTION 12-6.5 of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), knowingly expressly¹ threatened to do bodily harm² to Don Smith in order to cause³ Don Smith to join⁴ the American Worker's Union.⁵

¹or impliedly; ²or does bodily harm to an individual or to that individual's family or uses any other criminally unlawful means; ³or to solicit; ⁴or deter any person from leaving; ⁵or any organization or association regardless of the nature of such organization or association

CHARGING NOTE: When the defendant commits this offense and he is of the age of 18 years or older and the victim is under 18 years of age, the charge is a Class 1 felony. See Sentencing Guide.

SENTENCING NOTE: A person convicted of an offense under this Section shall not be eligible to receive a sentence of probation, conditional discharge, or periodic imprisonment.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: Created - P.A. 77-1408 (August 1, 1971); Amended - P.A.s 82-564, 84-1075, 88-680, 89-8, 89-314 & 89-626. Re-enacted by P.A. 91-696. Re-numbered and amended as §12-6.5 by P.A. 96-1551.

CHARGE: Felony (Class 2)

BOND: Must be Set by Judge

720 ILCS 5/ 12-7(a)

COMPELLING CONFESSION BY FORCE OR THREAT

In violation of SECTION 12-7(a) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), with the intent to obtain a confession¹ from Don Smith, regarding the offense of theft,² in violation of Section 16-1 of Act 5 of Chapter 720 of the Illinois Compiled Statutes, knowingly inflicted³ imminent bodily harm upon Don Smith,⁴ in that he struck Don Smith on and about the head and shoulders with his fists.

¹or a statement or information; ²any offense; ³or threatened; ⁴or upon any person

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: Codified - Laws 1961, p.1983 (January 1, 1962); Amended - P.A. 77-2638, 94-1113 and 96-1551.

CHARGE: Felony (Class 4)

BOND: Must be Set by Judge

720 ILCS 5/ 12-7.1

HATE CRIME

In violation of SECTION 12-7.1 of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), by reason of the perceived¹ religion² of Don Smith, knowingly assaulted³ Don Smith in violation of Section 12-1 of Act 5 of Chapter 720 of the Illinois Compiled Statutes in that (describe the assault).

¹or actual; ²or race, color, creed, national origin, gender, ancestry, sexual orientation, or physical or mental disability of another individual or group of individuals, regardless of the existence of any other motivating factor or factors; ³ assault, battery, aggravated assault, misdemeanor theft, criminal trespass to residence, misdemeanor criminal damage to property, criminal trespass to vehicle, criminal trespass to real property, mob action, disorderly conduct, harassment by telephone, or harassment through electronic communications as these crimes are defined in Sections 12-1, 12-2, 12-3(a), 16-1, 19-4, 21-1, 21-2, 21-3, 25-1, 26-1, 26.5-2, and paragraphs (a)(2) and (a)(5) of Section 26.5-3 of this Code, respectively.

DEFINITION: (d) "Sexual orientation" has the meaning ascribed to it in paragraph (O-1) of Section 1-103 of the Illinois Human Rights Act. (775 ILCS 5/1-103) (O-1) Sexual orientation. "Sexual orientation" means actual or perceived heterosexuality, homosexuality, bisexuality, or gender-related identity, whether or not traditionally associated with the person's designated sex at birth. "Sexual orientation" does not include a physical or sexual attraction to a minor by an adult.

CHARGING NOTE: A second or subsequent conviction for a violation of this offense is a Class 2 felony. The charging instrument must state the prior conviction. See **Appendix A**.

CHARGING NOTE: Hate Crime is a Class 3 felony for a first offense and a Class 2 felony for a second or subsequent offense if committed: (1) in a church, synagogue, mosque, or other building, structure or place used for religious worship or other religious purpose; (2) in a cemetery, mortuary, or other facility used for the purpose of burial or memorializing the dead; (3) in a school or other educational facility, including an administrative facility or public or private dormitory facility of or associated with the school or other educational facility; (4) in a public park or an ethnic or religious community center; (5) on the real property comprising any

location described above; or (6) on a public way within 1,000 feet of the real property comprising any location described above. (720 ILCS 5/12-7.1(b-5)) See **Sentencing Guide** and **Appendix A**.

SENTENCING NOTE: Upon imposition of any sentence, the trial court shall also either order restitution paid to the victim or impose a fine up to \$1,000. In addition, any order of probation or conditional discharge entered following a conviction or an adjudication of delinquency shall include a condition that the offender perform public or community service of no less than 200 hours if that service is established in the county where the offender was convicted of hate crime. In addition, any order of probation or conditional discharge entered following a conviction or an adjudication of delinquency shall include a condition that the offender enroll in an educational program discouraging hate crimes if the offender caused criminal damage to property consisting of religious fixtures, objects, or decorations. The educational program may be administered, as determined by the court, by a university, college, community college, non-profit organization, or the Holocaust and Genocide Commission. Nothing in this subsection (b-10) prohibits courses discouraging hate crimes from being made available online. The court may also impose any other condition of probation or conditional discharge under this Section. (720 ILCS 5/12-7.1 (b-10))

IMPORTANT: For sentencing and alternative charging information see the **Sentencing Guide**.

Legislative History: Created - P.A. 82-995 (January 1, 1983); Amended - P.A.s 85-1209, 85-1388, 85-1440, 86-1418, 87-440, 87-1048, 87-1170, 88-45, 88-259, 88-659, 89-689, 90-578, 92-830, 93-463, 93-765, 94-80, 96-1551, 97-0161 (Eff: 1-1-12) and by P. A. 97-1108. (Eff: 1-1-13).

This subsection was amended by Public Act 99-0077. Effective: 1-1-16.

CHARGE: Felony (Class 4)

BOND: Must be Set by Judge

720 ILCS 5/ 12-7.2(a)(1)

EDUCATIONAL INTIMIDATION

In violation of SECTION **12-7.2(a)(1)** of ACT **5** of CHAPTER **720** of the Illinois Compiled Statutes, on **(date of offense)**, in the State of Illinois and the County of **_____**, defendant, **(defendant's name)**, by threatening¹ physical harm to the body² of Don Smith, knowingly interfered with the right of Don Smith, a child who is³ afflicted with a chronic infectious disease, to attend⁴ the North elementary school⁵ in Union City, Union County, Illinois.

¹or by actual physical harm; ²or to the property of the child; ³or is believed to be; ⁴or to participate in activities of such school; ⁵or any elementary or secondary school in this State

NOTE: This offense may also be committed (1) by impeding or obstructing the child's right of ingress to, egress from, or freedom of movement at school facilities or activities; or (2) by exposing or threatening to expose the child, or the family or friends of this child, to public hatred, contempt, or ridicule.

CHARGING NOTE: A subsequent conviction for a violation of this offense is a Class 4 felony. The charging instrument must state the prior conviction. See Appendix A for discussion.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: Created - P.A. 86-890 (Eff: 1-1-90).

CHARGE: Misdemeanor (Class C)

BOND: \$120

720 ILCS 5/ 12-7.3(a)(1)

STALKING

In violation of SECTION 12-7.3(a)(1) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), knowingly engaged in a course of conduct directed at Dawn Smith¹ which said defendant knew² would cause a reasonable person to fear for his or her safety³, in that (describe the course of conduct).

¹or any specific person; ²or should have known; ³or the safety of a third person;

NOTE: For a definition of the phrases: “course of conduct,” “electronic communication,” “emotional distress,” “family member,” “follows another person,” “non-consensual contact,” “places a person under surveillance,” “reasonable person,” and “transmits a threat” see Appendix C.

NOTE: The phrase "without lawful justification" has been deleted. See Appendix B for an explanation.

NOTE: A defendant who directed the actions of a third party to violate this Section, under the principles of accountability set forth in Article 5 of this Code, is guilty of violating this Section as if the same had been personally done by the defendant, without regard to the mental state of the third party acting at the direction of the defendant.

CHARGING NOTE: A subsequent conviction for a violation of this offense is a Class 3 felony. The charging instrument must state the prior conviction. See Appendix A for discussion.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: This subsection was created by Public Act: 96-0686 (Effective: 1-1-10). Amended by Public Act 97-0311; Eff: 8-11-11.

CHARGE: Felony (Class 4)

BOND: Must be Set by Judge

720 ILCS 5/ 12-7.3(a)(2)

STALKING

In violation of SECTION 12-7.3(a)(2) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), knowingly engaged in a course of conduct directed at Dawn Smith¹ which said defendant knew² would cause a reasonable person to suffer emotional distress, in that (describe the course of conduct).

¹or any specific person; ²or should have known;

NOTE: For a definition of the phrases: “course of conduct,” “electronic communication,” “emotional distress,” “family member,” “follows another person,” “non-consensual contact,” “places a person under surveillance,” “reasonable person,” and “transmits a threat” see Appendix C.

NOTE: The phrase "without lawful justification" has been deleted. See Appendix B for an explanation.

NOTE: A defendant who directed the actions of a third party to violate this Section, under the principles of accountability set forth in Article 5 of this Code, is guilty of violating this Section as if the same had been personally done by the defendant, without regard to the mental state of the third party acting at the direction of the defendant.

CHARGING NOTE: A subsequent conviction for a violation of this offense is a Class 3 felony. The charging instrument must state the prior conviction. See Appendix A for discussion.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: This subsection was created by Public Act: 96-0686 (Effective: 1-1-10). Amended by Public Act 97-0311; Eff: 8-11-11.

CHARGE: Felony (Class 4)

BOND: Must be Set by Judge

720 ILCS 5/ 12-7.3(a)(3)

STALKING

In violation of SECTION 12-7.3(a)(3) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), followed Dawn Smith¹ on July 1, 2008, and August 1, 2008,² and in so doing placed Dawn Smith in reasonable apprehension that her son, Don Smith,³ would receive immediate⁴ bodily harm.⁵

¹or placed the victim under surveillance; ²there must be one or more acts of following or surveillance on at least two separate occasions; ³or any of the victim's family members; ⁴or future; ⁵or sexual assault, confinement or restraint

NOTE: See prior page for alternative method of charging this offense.

NOTE: For the purpose of this Section, "follows another person" means (i) to move in relative proximity to a person as that person moves from place to place or (ii) to remain in relative proximity to a person who is stationary or whose movements are confined to a small area. "Follows another person" does not include a following within the residence of the defendant.

NOTE: The phrase "without lawful justification" has been deleted. See Appendix B for an explanation.

NOTE: A defendant who directed the actions of a third party to violate this Section, under the principles of accountability set forth in Article 5 of this Code, is guilty of violating this Section as if the same had been personally done by the defendant, without regard to the mental state of the third party acting at the direction of the defendant.

CHARGING NOTE: A subsequent conviction for a violation of this offense is a Class 4 felony. The charging instrument must state the prior conviction. See Appendix A for discussion.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: This complaint was amended by Public Act 97-0311; Eff: 8-11-11.

CHARGE: Felony (Class 4)

BOND: Must be Set by Judge

720 ILCS 5/ 12-7.3(a-3)(1)

STALKING

In violation of SECTION 12-7.3(a-3)(1) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), knowingly followed Dawn Smith¹ on July 1, 2008, and August 1, 2008² and thereafter on August 18, 2008, threatened³ Dawn Smith⁴ with immediate⁵ bodily harm.⁶

¹or placed the victim under surveillance; ²there must be one or more acts of following or surveillance on at least two separate occasions; ³or at any time transmitted a threat; ⁴or a family member of that person; ⁵or future; ⁶or sexual assault, confinement or restraint

NOTE: For a definition of the phrases: “course of conduct,” “electronic communication,” “emotional distress,” “family member,” “follows another person,” “non-consensual contact,” “places a person under surveillance,” “reasonable person,” and “transmits a threat” see Appendix C.

NOTE: Also, the phrase "without lawful justification" has been deleted. See Appendix B for an explanation.

NOTE: A defendant who directed the actions of a third party to violate this Section, under the principles of accountability set forth in Article 5 of this Code, is guilty of violating this Section as if the same had been personally done by the defendant, without regard to the mental state of the third party acting at the direction of the defendant.

CHARGING NOTE: A subsequent conviction for a violation of this offense is a Class 3 Felony. The charging instrument must state the prior conviction. See Appendix A for discussion.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: Created - P.A. 87-870 & 87-81 (July 12, 1992); Amended - P.A. 88-402, 88-677, 89-377, 91-640, 92-827, 95-33, 96-686, 96-1551 & 97-0311 (Effective: 8-11-11).

CHARGE: Felony (Class 4)

BOND: Must be Set by Judge

720 ILCS 5/ 12-7.3(a-3)(2)

STALKING

In violation of SECTION 12-7.3(a-3)(2) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), followed Dawn Smith¹ on July 1, 2008, and August 1, 2008,² and in so doing placed Susan Smith in reasonable apprehension of immediate³ bodily harm.⁴

¹or placed the victim under surveillance; ²there must be one or more acts of following or surveillance on at least two separate occasions; ³or future; ⁴or sexual assault, confinement or restraint to or of that person or a family member of that person.

NOTE: For a definition of the phrases: “course of conduct,” “electronic communication,” “emotional distress,” “family member,” “follows another person,” “non-consensual contact,” “places a person under surveillance,” “reasonable person,” and “transmits a threat” see Appendix C.

NOTE: The phrase "without lawful justification" has been deleted. See Appendix B for an explanation.

NOTE: A defendant who directed the actions of a third party to violate this Section, under the principles of accountability set forth in Article 5 of this Code, is guilty of violating this Section as if the same had been personally done by the defendant, without regard to the mental state of the third party acting at the direction of the defendant.

CHARGING NOTE: A subsequent conviction for a violation of this offense is a Class 3 Felony. The charging instrument must state the prior conviction. See Appendix A for discussion.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: This complaint was amended by Public Acts: 96-0686, 96-1551 & 97-0311; Eff: 8-11-11.

CHARGE: Felony (Class 4)

BOND: Must be Set by Judge

720 ILCS 5/ 12-7.3(a-3)(3)

STALKING

In violation of SECTION 12-7.3(a-3)(3) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), followed Dawn Smith¹ on July 1, 2008, and August 1, 2008,² and in so doing placed Dawn Smith in reasonable apprehension that her son, Don Smith,³ would receive immediate⁴ bodily harm.⁵

¹or placed the victim under surveillance; ²there must be one or more acts of following or surveillance on at least two separate occasions; ³or any of the victim's family members; ⁴or future; ⁵or sexual assault, confinement or restraint

NOTE: For a definition of the phrases: “course of conduct,” “electronic communication,” “emotional distress,” “family member,” “follows another person,” “non-consensual contact,” “places a person under surveillance,” “reasonable person,” and “transmits a threat” see Appendix C.

NOTE: The phrase "without lawful justification" has been deleted. See Appendix B for an explanation.

NOTE: A defendant who directed the actions of a third party to violate this Section, under the principles of accountability set forth in Article 5 of this Code, is guilty of violating this Section as if the same had been personally done by the defendant, without regard to the mental state of the third party acting at the direction of the defendant.

CHARGING NOTE: A subsequent conviction for a violation of this offense is a Class 3 felony. The charging instrument must state the prior conviction. See Appendix A for discussion.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: This complaint was amended by Public Acts: 96-0686, 96-1551 & 97-0311; Eff: 8-11-11.

CHARGE: Felony (Class 4)

BOND: Must be Set by Judge

720 ILCS 5/ 12-7.3(a-5)

STALKING

In violation of SECTION 12-7.3(a-5) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), having previously been convicted of stalking Dawn Smith in violation of Section 12-7.3(a)91) of Act 5 of Chapter 720 of the Illinois Compiled Statutes, knowingly followed¹ Dawn Smith and transmitted a threat of immediate² bodily harm³ to Dawn Smith.⁴

¹or placed that person under surveillance; ²or future; ³or sexual assault, confinement or restraint; ⁴or a family member of that person

NOTE: For the purpose of this Section, a defendant "places a person under surveillance" by: (1) remaining present outside the person's school, place of employment, vehicle, other place occupied by the person, or residence other than the residence of the defendant; or (2) placing an electronic tracking device on the person or the person's property.

NOTE: A defendant who directed the actions of a third party to violate this Section, under the principles of accountability set forth in Article 5 of this Code, is guilty of violating this Section as if the same had been personally done by the defendant, without regard to the mental state of the third party acting at the direction of the defendant.

CHARGING NOTE: A subsequent conviction for a violation of this offense is a Class 3 felony. The charging instrument must state the prior conviction. See Appendix A for discussion.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: This complaint was amended by Public Act 97-0311; Eff: 8-11-11.

CHARGE: Felony (Class 4)

BOND: Must be Set by Judge

720 ILCS 5/ 12-7.4(a)(1)

AGGRAVATED STALKING

In violation of SECTION 12-7.4(a)(1) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), committed the offense of Stalking in violation of Section 12-7.3 of Act 5 of Chapter 720 of the Illinois Compiled Statutes, by knowingly following Dawn Smith¹ on July 2, 2012, and August 2, 2012,² and thereafter on August 19, 2012, threatening³ Dawn Smith with immediate⁴ bodily harm⁵ and in conjunction with that offense caused bodily harm to Dawn Smith by (describe the acts causing bodily harm, sexual assault, confinement or restraint).

¹or placed the victim under surveillance; ²there must be one or more acts of following or surveillance on at least two occasions; ³or at any time transmitted a threat; ⁴or future; ⁵or sexual assault, confinement or restraint;

NOTE: This offense may also be committed when the victim is restrained or confined or when the defendant violates a temporary restraining order, an order of protection, a stalking no contact order, a civil no contact order, or an injunction prohibiting the behavior described in subsection (b)(1) of Section 214 of the Illinois Domestic Violence Act of 1986. 720 ILCS 5/ 12-7.4 (a) (2) and (3).

NOTE: The phrase "without lawful justification" has been deleted. See Appendix B for an explanation.

CHARGING NOTE: A subsequent conviction for a violation of this offense is a Class 2 felony. The charging instrument must state the prior conviction. See Appendix A for discussion.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: Created - P.A. 87-870 (July 12, 1992); Amended - P.A. 88-402, 88-677, 89-377 and 96-0686.

CHARGE: Felony (Class 3)

BOND: Must be Set by Judge

720 ILCS 5/ 12-7.4(a-1)

AGGRAVATED STALKING

In violation of SECTION 12-7.4(a-1) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), a person required to register¹ as a sex offender pursuant to the Illinois Sex Offender Registration Act, committed the offense of Stalking in violation of Section 12-7.3 of Act 5 of Chapter 720 of the Illinois Compiled Statutes, by knowingly following Dawn Smith² on July 2, 2012, and August 2, 2012,³ and thereafter on August 19, 2012, threatening⁴ Dawn Smith with immediate⁵ bodily harm⁶ and Dawn Smith is also the victim⁷ of the offense for which said defendant is required to register under the Sex Offender Registration Act.

¹or was previously required to register; ²placed the victim under surveillance; ³there must be one or more acts of following or surveillance on at least two occasions; ⁴or at any time transmitted a threat; ⁵or future; ⁶or sexual assault, confinement or restraint; ⁷or a family member of the victim.

NOTE: The phrase "without lawful justification" has been deleted. See Appendix B for an explanation.

CHARGING NOTE: A subsequent conviction for a violation of this offense is a Class 2 felony. The charging instrument must state the prior conviction. See Appendix A for discussion.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: This subsection was created by Public Act: 97-0468 (Effective: 1-1-12).

CHARGE: Felony (Class 3)

BOND: Must be Set by Judge

720 ILCS 5/ 12-7.5(a)(1)

CYBERSTALKING

In violation of SECTION 12-7.5(a)(1) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), knowingly engaged in a course of conduct using electronic communications directed at Dawn Smith¹ which said defendant knew² would cause a reasonable person to fear for his or her safety³, in that (describe the course of conduct).

¹or any specific person; ²or should have known; ³or the safety of a third person;

NOTE: For a definition of the phrases: “course of conduct,” “electronic communication,” “emotional distress,” “family member,” “follows another person,” “non-consensual contact,” “places a person under surveillance,” “reasonable person,” and “transmits a threat” see Appendix C.

NOTE: The phrase "without lawful justification" has been deleted. See Appendix B for an explanation.

NOTE: A defendant who directed the actions of a third party to violate this Section, under the principles of accountability set forth in Article 5 of this Code, is guilty of violating this Section as if the same had been personally done by the defendant, without regard to the mental state of the third party acting at the direction of the defendant.

CHARGING NOTE: A subsequent conviction for a violation of this offense is a Class 3 Felony. The charging instrument must state the prior conviction. See Appendix A for discussion.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: This subsection was created by Public Act: 96-0686 (Effective: 1-1-10). Amended by Public Act 97-0311; Eff: 8-11-11.

CHARGE: Felony (Class 4)

BOND: Must be Set by Judge

720 ILCS 5/ 12-7.5(a)(2)

CYBERSTALKING

In violation of **SECTION 12-7.5(a)(2) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), knowingly engaged in a course of conduct using electronic communications directed at Dawn Smith¹ which said defendant knew² would cause a reasonable person to suffer emotional distress, in that (describe the course of conduct).**

¹or any specific person; ²or should have known;

NOTE: For a definition of the phrases: “course of conduct,” “electronic communication,” “emotional distress,” “family member,” “follows another person,” “non-consensual contact,” “places a person under surveillance,” “reasonable person,” and “transmits a threat” see Appendix C.

NOTE: The phrase "without lawful justification" has been deleted. See Appendix B for an explanation.

NOTE: A defendant who directed the actions of a third party to violate this Section, under the principles of accountability set forth in Article 5 of this Code, is guilty of violating this Section as if the same had been personally done by the defendant, without regard to the mental state of the third party acting at the direction of the defendant.

CHARGING NOTE: A subsequent conviction for a violation of this offense is a Class 3 felony. The charging instrument must state the prior conviction. See Appendix A for discussion.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: This subsection was created by Public Act: 96-0686 (Effective: 1-1-10). Amended by Public Act 97-0311; Eff: 8-11-11.

CHARGE: Felony (Class 4)

BOND: Must be Set by Judge

720 ILCS 5/ 12-7.5(a)(3)

CYBERSTALKING

In violation of SECTION 12-7.5(a)(3) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), knowingly and without lawful justification on July 1, 2008 and August 1, 2008¹ harassed Dawn Smith through the use of electronic communications and at that² time knowingly solicited the commission of an act by James Brown³ which would be a violation of the Criminal Code directed towards Dawn Smith,⁴ to wit: (describe the solicited act which would constitute a violation of the Criminal Code).

¹on at least two (2) separate occasions; ²or at any time; ³or by any person; ⁴or a member of Dawn Smith's family

NOTE: "Harass" means to engage in a knowing and willful course of conduct directed to a specific person that alarms, torments, or terrorizes that person. "Electronic communications" means any transfer of signs, signals, writings, sounds, data, or intelligence of any nature transmitted in whole or in part by a wire, radio, electromagnetic, photoelectric, or photo-optical system. This includes transmissions by a computer through the Internet to another computer.

NOTE: A defendant who directed the actions of a third party to violate this Section, under the principles of accountability set forth in Article 5 of this Code, is guilty of violating this Section as if the same had been personally done by the defendant, without regard to the mental state of the third party acting at the direction of the defendant.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: This subsection was created by Public Act: 96-0686 (Effective: 1-1-10). Amended by Public Act 97-0311; Eff: 8-11-11.

CHARGE: Felony (Class 4)

BOND: Must be Set by Judge

720 ILCS 5/ 12-7.5(a-3)(1)

CYBERSTALKING

In violation of SECTION 12-7.5(a-3)(1) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), knowingly and without lawful justification on July 1, 2008 and August 1, 2008¹ harassed Dawn Smith through the use of electronic communications and at that² time transmitted a threat toward Dawn Smith³ of immediate⁴ bodily harm,⁵ in that (describe the communications and the threat).

¹on at least two (2) separate occasions; ²or at any time; ³or a member of the victim's family; ⁴or future; ⁵or sexual assault, confinement, or restraint

NOTE: "Harass" means to engage in a knowing and willful course of conduct directed to a specific person that alarms, torments, or terrorizes that person. "Electronic communications" means any transfer of signs, signals, writings, sounds, data, or intelligence of any nature transmitted in whole or in part by a wire, radio, electromagnetic, photoelectric, or photo-optical system. This includes transmissions by a computer through the Internet to another computer.

NOTE: A defendant who directed the actions of a third party to violate this Section, under the principles of accountability set forth in Article 5 of this Code, is guilty of violating this Section as if the same had been personally done by the defendant, without regard to the mental state of the third party acting at the direction of the defendant.

CHARGING NOTE: A subsequent conviction for a violation of this offense is a Class 3 felony. The charging document must state the prior violation. See Appendix A for discussion.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: Subsection created by P.A. 92-199 (Eff: 8-1-01); Amended: Public Act 96-0686 & P. A. 97-0311; Eff: 8-11-11.

CHARGE: Felony (Class 4)

BOND: Must be Set by Judge

720 ILCS 5/ 12-7.5(a-3)(2)

CYBERSTALKING

In violation of SECTION 12-7.5(a-3)(2) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), knowingly and without lawful justification on July 1, 2008 and August 1, 2008¹ harassed Dawn Smith through the use of electronic communications and thereby placed Dawn Smith² in reasonable apprehension of immediate³ bodily harm⁴ in that (describe the communications that caused the apprehension.)

¹on at least two (2) separate occasions; ²or a member of the victim's family; ³or future;
⁴or sexual assault, confinement, or restraint

NOTE: "Harass" means to engage in a knowing and willful course of conduct directed to a specific person that alarms, torments, or terrorizes that person. "Electronic communications" means any transfer of signs, signals, writings, sounds, data, or intelligence of any nature transmitted in whole or in part by a wire, radio, electromagnetic, photoelectric, or photo-optical system. This includes transmissions by a computer through the Internet to another computer.

NOTE: A defendant who directed the actions of a third party to violate this Section, under the principles of accountability set forth in Article 5 of this Code, is guilty of violating this Section as if the same had been personally done by the defendant, without regard to the mental state of the third party acting at the direction of the defendant.

CHARGING NOTE: A subsequent conviction for a violation of this offense is a Class 3 Felony. The charging document must state the prior violation. See Appendix A for discussion.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: This subsection was amended by Public Act: 96-0686 (Effective: 1-1-10) & 97-0311 (Effective: 8-11-11).

CHARGE: Felony (Class 4)

BOND: Must be Set by Judge

720 ILCS 5/ 12-7.5(a-5)(1)

CYBERSTALKING

In violation of SECTION 12-7.5(a-5)(1) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), knowingly and without lawful justification created and maintained a Webpage¹ which was accessible to one or more third parties for a period of at least 24 hours and said Webpage¹ contained statements harassing Dawn Smith² and said Webpage¹ communicated a threat of immediate³ bodily harm⁴ toward Dawn Smith,⁵ to wit: (describe the threatened act).

¹or an Internet Website; ²or any other person; ³or future; ⁴or sexual assault, confinement, or restraint; ⁵or to a family member of Dawn Smith

NOTE: "Harass" means to engage in a knowing and willful course of conduct directed to a specific person that alarms, torments, or terrorizes that person. "Third party" means any person other than the person violating these provisions and the person or persons towards whom the violator's actions are directed.

NOTE: A defendant who directed the actions of a third party to violate this Section, under the principles of accountability set forth in Article 5 of this Code, is guilty of violating this Section as if the same had been personally done by the defendant, without regard to the mental state of the third party acting at the direction of the defendant.

CHARGING NOTE: A subsequent conviction for a violation of this offense is a Class 3 felony. The charging document must state the prior violation. See Appendix A for discussion.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: This subsection was created by P.A. 95-849 (Eff: 1-1-09). Amended by Public Act 97-0311; Eff: 8-11-11.

CHARGE: Felony (Class 4)

BOND: Must be Set by Judge

720 ILCS 5/ 12-7.5(a-5)(2)

CYBERSTALKING

In violation of SECTION 12-7.5(a-5)(2) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), knowingly and without lawful justification created and maintained a Webpage¹ which was accessible to one or more third parties for a period of at least 24 hours and said Webpage¹ contained statements harassing Dawn Smith² and which placed Dawn Smith³ in reasonable apprehension of immediate⁴ bodily harm⁵ to wit: (describe the threat).

¹or and Internet Website; ²or to any other person; ³or to a family member of Dawn Smith; ⁴or future; ⁵or sexual assault, confinement, or restraint;

NOTE: "Harass" means to engage in a knowing and willful course of conduct directed to a specific person that alarms, torments, or terrorizes that person. "Third party" means any person other than the person violating these provisions and the person or persons towards whom the violator's actions are directed.

NOTE: A defendant who directed the actions of a third party to violate this Section, under the principles of accountability set forth in Article 5 of this Code, is guilty of violating this Section as if the same had been personally done by the defendant, without regard to the mental state of the third party acting at the direction of the defendant.

CHARGING NOTE: A subsequent conviction for a violation of this offense is a Class 3 felony. The charging document must state the prior violation. See Appendix A for discussion.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: This subsection was created by P.A. 95-849 (Eff: 1-1-09). Amended by Public Act 97-0311; Eff: 8-11-11.

CHARGE: Felony (Class 4)

BOND: Must be Set by Judge

720 ILCS 5/ 12-7.5(a-5)(3)

CYBERSTALKING

In violation of SECTION 12-7.5(a-5)(3) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), knowingly and without lawful justification created and maintained a Webpage¹ which was accessible to one or more third parties for a period of at least 24 hours and said Webpage¹ contained statements harassing Dawn Smith and said Webpage¹ knowingly solicited the commission of an act another person² which would be a violation of the Criminal Code directed towards Dawn Smith,³ to wit: (describe the solicited act which would constitute a violation of the Criminal Code).

¹or and Internet Website; ²or any other person; ³or to a family member of Dawn Smith;

NOTE: "Harass" means to engage in a knowing and willful course of conduct directed to a specific person that alarms, torments, or terrorizes that person. "Third party" means any person other than the person violating these provisions and the person or persons towards whom the violator's actions are directed.

NOTE: A defendant who directed the actions of a third party to violate this Section, under the principles of accountability set forth in Article 5 of this Code, is guilty of violating this Section as if the same had been personally done by the defendant, without regard to the mental state of the third party acting at the direction of the defendant.

CHARGING NOTE: A subsequent conviction for a violation of this offense is a Class 3 felony. The charging document must state the prior violation. See Appendix A for discussion.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: This subsection was created by P.A. 95-849 (Eff: 1-1-09). Amended by Public Act 97-0311; Eff: 8-11-11.

CHARGE: Felony (Class 4)

BOND: Must be Set by Judge

720 ILCS 5/ 12-7.6(a)

UNLAWFUL CROSS BURNING

In violation of SECTION 12-7.6(a) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), with the intent to intimidate Don Smith,¹ burned ² a cross on the front lawn of a house located at 777 May Street, Union City, Illinois.

¹or any other person or group of persons; ²or caused to be burned

NOTE: For the purposes of this Section, a person acts with the "intent to intimidate" when he or she intentionally places or attempts to place another person in fear of physical injury or fear of damage to that other person's property.

CHARGING NOTE: A subsequent conviction for a violation of this offense is a Class 4 felony. The charging document must state the prior violation. See Appendix A for discussion.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: Created by Public Act 93-764 (Eff: 1-1-05). Amended: 96-1551.

CHARGE: Misdemeanor (Class A) **BOND:** \$1,500

720 ILCS 5/ 12-9

THREATENING A PUBLIC OFFICIAL

In violation of SECTION 12-9 of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), knowingly delivered¹ to the Honorable Don Smith, the Mayor of Union City, a public official², a letter³ containing a threat to take the life⁴ of the Honorable Don Smith,⁵ and the threat was made because of hostility of the defendant toward the status⁶ of the Honorable Don Smith.⁷

¹or conveyed directly or indirectly; ²or a human service provider; ³or any communication; ⁴or any communication (i) containing a threat that would place the public official or service provider or a member of his or her immediate family in reasonable apprehension of immediate or future bodily harm, sexual assault, confinement, or restraint; or (ii) containing a threat that would place the public official or service provider or a member of his or her immediate family in reasonable apprehension that damage will occur to property in the custody, care, or control of the public official or service provider or his or her immediate family; ⁵or a member of his immediate family; ⁶or position; ⁷or because of the performance or nonperformance of some public duty or because of any other factor related to the official's or service provider's public existence

DEFINITION NOTE: "Public official" means a person who is elected to office in accordance with a statute or who is appointed to an office which is established, and the qualifications and duties of which are prescribed, by statute, to discharge a public duty for the State or any of its political subdivisions or in the case of an elective office any person who has filed the required documents for nomination or election to such office. "Public official" includes a duly appointed assistant State's Attorney, assistant Attorney General, or Appellate Prosecutor; a sworn law enforcement or peace officer; a social worker, caseworker, or investigator employed by the Department of Healthcare and Family Services, the Department of Human Services, or the Department of Children and Family Services. "Human service provider" means a social worker, case worker, or investigator employed by an agency or organization providing social work, case work, or investigative services under a contract with or a grant from the Department of Human Services, the Department of Children and Family Services, the Department of Healthcare and Family Services, or the Department on Aging. See 720 ILCS 5/ 12-9(b).

CHARGING NOTE: A subsequent conviction for a violation of this offense is a Class 2 felony. The charging document must state the prior violation. See **Appendix A** for discussion.

IMPORTANT: For sentencing and alternative charging information see the **Sentencing Guide**.

Legislative History: Created - P.A. 82-19 (June 30, 1981); Amended - P.A. 83-643, 83-942, 87-238, 91-335, 91-387, 92-16, 95-466 and 96-1551; Eff: 7-1-11. This subsection was amended by P. A. 98-0529. Eff: 1-1-14.

CHARGE: Felony (Class 3)

BOND: Must be Set by Judge

720 ILCS 5/ 12-10.2(b)

UNAUTHORIZED TONGUE SPLITTING

In violation of SECTION 12-10.2(b) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), without legal authority, knowingly performed tongue splitting upon Dawn Smith.

NOTE: Pursuant to this statute, a person is prohibited from performing a tongue splitting unless he or she is licensed to practice medicine or he or she is licensed under the Illinois Dental Practice Act. I interpreted this language to constitute an affirmative defense to this offense. If, however, you believe that the fact that the defendant is not a licensed physician or dentist is an element of this offense, then affirmatively allege that fact.

NOTE: "Tongue splitting" means the cutting of a human tongue into 2 or more parts.

CHARGING NOTE: A subsequent conviction for a violation of this offense is a Class 4 felony. See **Appendix A** for discussion.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: Added by Public Act 93-449 (Eff:1-1-04); Amended by Public Act 96-1551; Eff: 7-1-11.

CHARGE: Misdemeanor (Class A)

BOND: \$1500

720 ILCS 5/ 12-10.3(a)

FALSE REPRESENTATION TO A TATOO¹ BUSINESS

In violation of SECTION 12-10.3(a) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant’s name), a person other than the parent² of Sam Smith, a minor, falsely represented himself³ to be the parent² of Sam Smith for the purpose of accompanying Sam Smith to the A-1 Tattoo Parlor, a business that provides tattooing, as required under Section 12-10 of the Illinois Criminal Code⁴.

¹or body piercing; ²or legal guardian; ³or herself; ⁴or for the purpose of accompanying the minor to a business that provides body piercing as required under Section 12-10.1 (NOTE: this is now 12C-40(a) (1)) of the Criminal Code; or for the purpose of furnishing the written consent required under Section 12-10.1 of the Criminal Code.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: Added by Public Act: 96-1311 (Effective: 1/1/11).

CHARGE: Misdemeanor (Class C)

BOND: \$120

720 ILCS 5/ 12-20

UNLAWFUL SALE OF HUMAN BODY PARTS

In violation of SECTION 12-20 of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant’s name), knowingly offered to buy¹ from Dawn Smith the human kidney² of Dawn Smith.

¹or sold, bought, or offered to sell; ²or a human body or any part of a human body

CHARGING NOTE: A subsequent conviction for a violation of this offense is a Class 4 Felony. The charging instrument must state the prior conviction. See Appendix A for discussion.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: Created - P.A. 85-191 (August 21, 1987). Amended by P.A. 95-331 & 96-1551 (eff. 7-11).

CHARGE: Misdemeanor (Class A)

BOND: \$1,500

720 ILCS 5/ 12-20.5(a)

DISEMBLING A HUMAN BODY

In violation of SECTION 12-20.5(a) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant’s name), knowingly dismembered¹ the deceased body of Don Smith in that he (describe the act of dismemberment).

¹or severed, separated, dissected, or mutilated.

NOTE: For a list of circumstances under which this section does not apply see subsection (b) of this section.

NOTE: It is not a defense to a violation of this section if the decedent died due to natural, accidental, or suicidal causes.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: Created by Public Act 93-339 (7-24-03). Amended by P.A. 95-331 & 96-1551 (eff. 7-11).

CHARGE: Felony (Class X)

BOND: Must be set by Judge

720 ILCS 5/ 12-20.6(b)(2)

ABUSE OF A CORPSE

In violation of SECTION 12-20.6(b)(2) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant’s name), intentionally carried away¹ the corpse of Don Smith from the Union City Cemetery.

¹or moved.

DEFINITIONS: "Corpse" means the dead body of a human being. "Sexual conduct" has the meaning ascribed to the term in Section 11-0.1 of this Code and Appendix C.

CHARGING NOTES: (1) This offense can also be committed when a defendant engages in sexual conduct with a corpse or involving a corpse. 720 ILCS 5/ 12-20.5(b)(1) (2) A person convicted of violating paragraph (1) of subsection (b) of this Section is guilty of a Class 2 felony. (3) A person convicted of violating paragraph (2) of subsection (b) of this Section is guilty of a Class 4 felony.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: Created by Public Act 97-1072 (Eff: 1-1-13).

CHARGE: Felony (Class 4) **BOND:** Must be set by Judge

720 ILCS 5/ 12-21.6-5(b)

LEAVING CUSTODY OR CONTROL OF A CHILD WITH A CHILD SEX OFFENDER

In violation of SECTION 12-21.6-5(b) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), the parent¹ of Sally Smith, a minor, knowingly left Sally Smith in the custody² of Don Smith, a child sex offender.

¹or guardian; ²or control

NOTE: (a) This Section does not apply to leaving the minor in the custody or control of, or allowing unsupervised access to the minor by: (1) a child sex offender who is the parent of the minor; (2) a person convicted of a violation of subsection (c) of Section 12-15 of this Code; or (3) a child sex offender who is married to and living in the same household with the parent or guardian of the minor. (b) This subsection (c) shall not be construed to allow a child sex offender to knowingly reside within 500 feet of the minor victim of the sex offense if prohibited by subsection (b-6) of Section 11-9.4 of this Code. (720 ILCS 5/ 12-21.6-5(c)).

NOTE: For the purposes of this Section, "minor" means a person under 18 years of age; and "child sex offender" means a sex offender who is required to register under the Sex Offender Registration Act and is a child sex offender as defined in Sections 11-9.3 and 11-9.4 of this Code.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: Created by Public Act 96-1094. (Eff: 1-1-11).

CHARGE: Misdemeanor (Class A) **BOND:** \$1,500

720 ILCS 5/ 12-21.6-5(b)

LEAVING CUSTODY OR CONTROL OF A CHILD WITH A CHILD SEX OFFENDER

In violation of SECTION 12-21.6-5(b) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), the parent¹ of Sally Smith, a minor, knowingly allowed Don Smith, a child sex offender, unsupervised access to Sally Smith.

¹or guardian;

NOTE: (a) This Section does not apply to leaving the minor in the custody or control of, or allowing unsupervised access to the minor by: (1) a child sex offender who is the parent of the minor; (2) a person convicted of a violation of subsection (c) of Section 12-15 of this Code; or (3) a child sex offender who is married to and living in the same household with the parent or guardian of the minor. (b) This subsection (c) shall not be construed to allow a child sex offender to knowingly reside within 500 feet of the minor victim of the sex offense if prohibited by subsection (b-6) of Section 11-9.4 of this Code. (720 ILCS 5/ 12-21.6-5(c)).

NOTE: For the purposes of this Section, "minor" means a person under 18 years of age; and "child sex offender" means a sex offender who is required to register under the Sex Offender Registration Act and is a child sex offender as defined in Sections 11-9.3 and 11-9.4 of this Code.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: Created - Public Act 96-1094. (Eff: 1-1-11).

CHARGE: Misdemeanor (Class A)

BOND: \$1,500

720 ILCS 5/ 12-32(a)

UNLAWFUL RITUAL MUTILATION

In violation of SECTION 12-32(a) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), without the consent of Don Smith,¹ **knowingly** mutilated² Don Smith as part of an initiation³ into the Heaven's Angels' motorcycle club in that during such initiation the defendant cut off the left ear of Don Smith.⁴

¹or where defendant knew or should have known that the victim was unable to render effective consent; ²or dismembered or tortured; ³or a rite, ceremony, observance, performance or practice; ⁴or any such act

NOTE: The offense of ritual mutilation does not include the practice of male circumcision or a ceremony, rite, initiation, observance, or performance related thereto.

NOTE: See Appendix B for discussion of necessity of alleging mental state.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: Created - P.A. 86-864 (Eff: 1-1-99); Amended - P.A.s 86-1028, 90-88 & 96-1551; Eff: 7-1-11.

CHARGE: Felony (Class 2)

BOND: Must be Set by Judge

720 ILCS 5/ 12-33(a)(1)

UNLAWFUL RITUALIZED ABUSE OF A CHILD

In violation of SECTION 12-33(a)(1) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant’s name), knowingly while in the presence of Don Smith, a child¹ as part of a ceremony² actually³ tortured⁴ a dog.⁵

¹this offense may be committed with, upon, or in the presence of a child; ²or a rite or any similar observance; ³or in simulation; ⁴or mutilated, or sacrificed; ⁵or any warm-blooded animal or human being

NOTE: "Child" means any person under 18 years of age.

NOTE: This offense may also be charged when the defendant commits any of the following acts with, upon, or in the presence of a child as part of a ceremony, rite or any similar observance: 1. forces ingestion, injection or other application of any narcotic, drug, hallucinogen or anesthetic for the purpose of dulling sensitivity, cognition, recollection of, or resistance to any criminal activity; (12-33(a)(2)); 2. forces ingestion, or external application, of human or animal urine, feces, flesh, blood, bones, body secretions, non-prescribed drugs or chemical compounds; (12-33(a)(3)); 3. involves the child in mock, unauthorized or unlawful marriage ceremony with another person or representation of any force or deity, followed by sexual contact with the child; (12-33(a)(4)); 4. places a living child into a coffin or open grave containing a human corpse or remains; (12-33(a)(5)); 5. threatens death or serious harm to a child, his or her parents, family, pets, or friends that instills a well-founded fear in the child that the threat will be carried out; (12-33(a)(6)); or 6. unlawfully dissects, mutilates, or incinerates a human corpse. (12-33(a)(7))

NOTE: See Appendix B for discussion of necessity of alleging mental state.

CHARGING AND SENTENCING NOTE: A second or subsequent conviction for ritualized abuse of a child is a Class X felony for which the offender may be sentenced to a term of natural life imprisonment. The charging instrument must state the prior conviction. See Appendix A for discussion.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: Created - P.A. 87-1167 (Eff: 1-1-93). Amended by P.A. 90-88 and amended and re-numbered by Public Act 96-1551; Eff: 7-1-11.

CHARGE: Felony (Class 1) **BOND:** Must be Set by Judge

720 ILCS 5/ 12-34

UNLAWFUL FEMALE GENITAL MUTILATION

In violation of SECTION 12-34 of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), knowingly circumcised,¹ in part,² the clitoris³ of Dawn Smith.

¹or excised or infibulated; ²or in whole; ³or the labia majora or labia minora

NOTE: Consent to this procedure by a minor on whom it is to be performed or by the minor's parent or guardian is not a defense to a violation of this offense.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: Created by Public Act 90-89 (Eff: 1-1-98). Amended by P.A. 96-1551, (eff. July 1, 2011).

CHARGE: Felony (Class X) **BOND:** Must be Set by Judge

720 ILCS 5/ 12-34.5(a)(2)(ii)

UNLAWFUL INDUCEMENT TO COMMIT SUICIDE

In violation of SECTION 12-34.5(a)(2)(ii) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), with knowledge that Don Smith intended to commit¹ suicide, intentionally participated in a physical act by which Don Smith committed² suicide in that (describe the participation by the defendant)

¹or attempt to commit; ²or attempted to commit

NOTE: This offense may also be committed when the defendant offers and provides the physical means by which another person commits or attempts to commit suicide. (Section 12-31(a)(2)(i))

CHARGING NOTE: Inducement to commit suicide when the other person attempts to commit suicide as a direct result of the assistance provided by the defendant is a Class A misdemeanor. See the Sentencing Guide.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: This complaint was re-numbered by Public Act 96-1551; Eff: 7-1-11.

CHARGE: Felony (Class 4) **BOND:** Must be Set by Judge

720 ILCS 5/ 12-35(a)

SEXUAL CONDUCT¹ WITH AN ANIMAL

In violation of SECTION 12-35(a) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), knowingly engaged in sexual conduct¹ with an animal, to wit: (describe the act of sexual conduct or contact).

¹or contact

NOTE: A person may also violate this subsection by: (1) knowingly causing, aiding, or abetting another to engage in any sexual conduct or contact with an animal (720 ILCS 5/12-35(b)); (2) knowingly permitting any sexual conduct or contact with an animal to be conducted on any premises under his or her control (720 ILCS 5/12-3(c)); or (3) knowingly engaging in, promotion, aid or abetting any activity involving any sexual conduct or contact with an animal for a commercial or recreational purpose (720 ILCS 5/12-35(d)).

CHARGING NOTE: A person violating this subsection in the presence of a person under 18 years of age or causes the animal serious injury or death is guilty of a Class 3 felony. See the Sentencing Guide.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: Created by P.A. 92-721 (Eff:1-1-03). Amended by P.A. 96-1551, (eff. July 1, 2011).

CHARGE: Felony (Class 4) **BOND:** Must be Set by Judge

720 ILCS 5/ 12-36(a)

UNLAWFUL POSSESSION OF A VICIOUS¹ DOG

In violation of SECTION 12-36(a) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), after having been released from incarceration following his conviction of the offense of Felony Dog Fighting in violation of Section 26-5 of the Illinois Criminal Code² on April 1, 2012³, said defendant knowingly possessed⁴ a dog that was determined to have been a vicious dog under Section 15 of the Illinois Animal Control Act⁵.

¹or unsterilized; ²or any forcible felony, a felony violation of the Humane Care for Animals Act, a felony violation of Section 26-5 or 48-1 of this Code, a felony violation of Article 24 of this Code, a felony violation of Class 3 or higher of the Illinois Controlled Substances Act or the Cannabis Control Act, or a felony violation of Class 2 or higher of the Methamphetamine Control and Community Protection Act; ³this date that must be within ten years of the date of the commission of this offense; ⁴or owned, had custody of, or resided in a residence with; ⁵or an unsprayed or unneutered dog or puppy older than 12 weeks of age.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: Created by Public Act: 94-818 (Eff:1-1-07). Amended by P.A. 96-0185 (Effective: 1-1-10) and by P. A. 97-1108. (Eff: 1-1-13).

CHARGE: Misdemeanor (Class A)

BOND: \$1,500

720 ILCS 5/ 12-37(a)

POSSESSION OF A CAUSTIC¹ SUBSTANCE

In violation of SECTION 12-37(a) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), knowingly possessed² a caustic¹ substance, to wit: (describe the substance³).

¹or a noxious; ²or carried on his or her person; ³or; ⁴any of the substances which are regulated by Title16 CFR Section 1500.129 of the Federal Caustic Poison Act and are required to contain the words "causes severe burns" as the affirmative statement of principal hazard on its label.

NOTE: Provided that the product is not used to threaten, intimidate, injure, or cause distress to another, the restrictions of subsection (a) do not apply to: (1) persons while engaged in the legitimate commercial manufacture, distribution, storage, or use of the specified substances; (2) persons while engaged in legitimate scientific or medical research, study, teaching or treatment involving the use of such substances, including without limitation physicians, pharmacists, scientists, teachers, students, and employees of regularly established laboratories, manufacturing and wholesale pharmacies, retail pharmacies, medical treatment facilities, schools, colleges, and universities; (3) persons who have procured any of the specified substances for medicinal purposes upon a prescription of a physician licensed to practice medicine in all its branches under the Medical Practice Act of 1987; (4) commercial or consumer products that contain any of the specified substances found in subsection (a) including, but not limited to, batteries; (5) production agriculture as defined in Section 3-5 of the Use Tax Act; (6) persons while engaged in the possession or transportation, or both, of a commercial product containing any of the substances specified in subsection (a) for retail sale; (7) persons while engaged in the possession, transportation, or use, unrelated to a retail sale, of any of the substances specified in subsection (a); or (8) persons engaged in the possession, transportation, or use of a commercial product containing any of the substances specified in subsection (a).

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: This offense was created by Public Act: 97-0565; (Effective: 1-1-12).

CHARGE: Felony (Class 4)

BOND: Must be Set by Judge

720 ILCS 5/ 12C-5(a)

ENDANGERING THE LIFE² OR HEALTH OF A CHILD

In violation of SECTION 12C-5(a) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), knowingly caused¹ the life² of Don Smith, a child under the age of 18 years, to be endangered³ in that said defendant (describe actions that caused the endangerment)

¹or permitted; ²or health; ³or willfully caused or permitted a child to be placed in circumstances that endanger the child's life or health

EXEMPTION: The relinquishment of a child in accordance with the Abandoned Newborn Infant Protection Act does not constitute a violation of this Subsection.

SENTENCING NOTE: A parent, who is found to be in violation of this Section with respect to his or her child, may be sentenced to probation for this offense pursuant to Section 12C-15.

CHARGING AND SENTENCING NOTE: A second or subsequent violation of this offense is a Class 3 felony. A violation of this Section that is a proximate cause of the death of the child is a Class 3 felony for which a person, if sentenced to a term of imprisonment, shall be sentenced to a term of not less than 2 years and not more than 10 years. The charging document must state the prior violation. See Appendix A and the Sentencing Guide.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: Created - P.A. 88-479 (Eff: 9-9-1993). Amended by P.A. 90-687, 92-408, 92-432, 92-408, 92-432, 92-515, 92-651 and by P. A. 97-1109. (Eff: 1-1-13).

CHARGE: Misdemeanor (Class A)

BOND: \$1,500

720 ILCS 5/ 12C-10(a)

CHILD ABANDONMENT

In violation of SECTION 12C-10 (a) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense) , in the State of Illinois and the County of _____, defendant, (defendant's name), the parent¹ of Don Smith, a child under the age of 13 years, without regard for the physical² health³ of Don Smith, knowingly left Don Smith without supervision by a responsible person over the age of 14 years for a period of more than 24 hours.

¹or guardian, or other person having physical custody or control of the child; ²or mental;
³or safety or welfare

NOTE: For the purposes of determining whether the child was left without regard for the mental or physical health, safety, or welfare of that child, the trier of fact shall consider the following factors: (1) the age of the child; (2) the number of children left at the location; (3) special needs of the child, including whether the child is a person with a physical or mental disability, or otherwise in need of ongoing prescribed medical treatment such as periodic doses of insulin or other medications; (4) the duration of time in which the child was left without supervision; (5) the condition and location of the place where the child was left without supervision; (6) the time of day or night when the child was left without supervision; (7) the weather conditions, including whether the child was left in a location with adequate protection from the natural elements such as adequate heat or light; (8) the location of the parent, guardian, or other person having physical custody or control of the child at the time the child was left without supervision, the physical distance the child was from the parent, guardian, or other person having physical custody or control of the child at the time the child was without supervision; (9) whether the child's movement was restricted, or the child was otherwise locked within a room or other structure; (10) whether the child was given a phone number of a person or location to call in the event of an emergency and whether the child was capable of making an emergency call; (11) whether there was food and other provision left for the child; (12) whether any of the conduct is attributable to economic hardship or illness and the parent, guardian or other person having physical custody or control of the child made a good faith effort to provide

for the health and safety of the child; (13) the age and physical and mental capabilities of the person or persons who provided supervision for the child; (14) any other factor that would endanger the health or safety of that particular child; (15) whether the child was left under the supervision of another person. (Subsection (b))

EXEMPTION: The relinquishment of a child in accordance with the Abandoned Newborn Infant Protection Act does not constitute a violation of this Subsection.

CHARGING NOTE: A subsequent conviction for a violation of this offense is a Class 3 felony. The charging document must state the prior violation. See **Appendix A** for discussion.

SENTENCING NOTE: A parent, who is found to be in violation of this Section with respect to his or her child, may be sentenced to probation for this offense pursuant to Section 12C-15.

IMPORTANT: For sentencing and alternative charging information see the **Sentencing Guide**.

Legislative History: Created - P.A. 88-479 (Eff: 9-9-1993). Amended by P.A. 92-408 & 92-432 and by P. A. 97-1109. (Eff: 1-1-13).

This subsection was amended by Public Act 99-0143. Effective: 1-1-16.

CHARGE: Felony (Class 4)

BOND: Must be Set by Judge

720 ILCS 5/ 12C-20

UNLAWFUL ABANDONMENT OF A SCHOOL BUS CONTAINING CHILDREN

In violation of SECTION 12C-20 of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), a Union City school bus driver, knowingly abandoned his Union City School Bus at the corner of Fifth Street and May Avenue in Union City, Illinois, while said school bus contained children who were left without adult supervision.

CHARGING NOTE: Any person convicted of a second or subsequent offense under this Act is guilty of a Class 4 felony. The charging instrument must state prior conviction. See **Appendix A** for discussion.

IMPORTANT: For sentencing and alternative charging information see the **Sentencing Guide**.

Legislative History: Created - P.A. 87-526 (September 16, 1991). Re-numbered P. A. 97-1109. (Eff: 1-1-13).

CHARGE: Misdemeanor (Class A)

BOND: \$1,500

720 ILCS 5/ 12C-30(b)

UNLAWFULLY CONTRIBUTING TO THE CRIMINAL DELINQUENCY OF A JUVENILE

In violation of SECTION 12C-30(b) ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), a person over 21 years of age, with the intent to promote¹ the commission of the offense of burglary,² directed³ Don Smith, a person under 17 years of age, in the commission of the burglary of the Big Fop Furniture Store located at 777 May Street.

¹or facilitate; ²or any felony or misdemeanor; ³or solicited or compelled

CHARGING NOTES: (1) Alternative method of committing this offense. A person also commits contributing to the delinquency of a minor when he or she knowingly: (1) causes, aids, or encourages a minor to be or to become a delinquent minor; or (2) does acts which directly tend to render any minor so delinquent. 720 ILCS 5/ 12C-30(a); (2) A violation of subsection (a) is a Class A misdemeanor. (3) A violation of subsection (b) is: (i) a Class C misdemeanor if the offense committed is a petty offense or a business offense; to the criminal delinquency of a juvenile is a Class 4 felony. See the Sentencing Guide.

SENTENCING NOTE: A parent, who is found to be in violation of this Section with respect to his or her child, may be sentenced to probation for this offense pursuant to Section 12C-15.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: Created - P.A. 85-906 (November 23, 1987). Amended: P.A. 91-337 and amended and re-numbered by P. A. 97-1109. (Eff: 1-1-13).

CHARGE: See NOTE

BOND: See NOTE

720 ILCS 5/ 12C-35(a)

TATTOOING BODY OF MINOR

In violation of SECTION 12C-35(a) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), a person not licensed to practice medicine in all its branches, did knowingly¹ tattoo² the body of Don Smith, a person under the age of 18 years.

¹or recklessly; ²or did offer to tattoo

DEFINITION: To "Tattoo" means to insert pigment under the surface of the skin of a human being, by pricking with a needle or otherwise, so as to produce an indelible mark or figure through the skin. See Appendix C.

CHARGING NOTE AND DEFINITION: (a) This subsection does not apply to a person under 18 years of age who tattoos or offers to tattoo another person under 18 years of age away from the premises of any business at which tattooing is performed. (b) Subsections (a) and (b) of this Section do not apply to the removal of a tattoo from a person under 18 years of age, who is a victim of a violation of Section 10-9 of this Code or who is or has been a street-gang member as defined in Section 10 of the Illinois Street-gang Terrorism Omnibus Prevention Act, if the removal of the tattoo is performed in an establishment or multi-type establishment which has received a certificate of registration from the Department of Public Health or its agent under the Tattoo and Body Piercing Establishment Registration Act and the removal of the tattoo is performed by the operator or an authorized employee of the operator of the establishment or multi-type establishment. For the purposes of this subsection (d-5), "tattoo" also means the indelible mark or figure visible through the skin created by tattooing. 720 ILCS 5/ 12C-25 (d-5)

IMPORTANT: For sentencing and alternative charging information see the **Sentencing Guide.**

Legislative History: Created - Laws 1963, p.785 (July 1, 1963); Amended - P.A. 77-2638 and 94-684. Amended and re-numbered by P. A. 97-1109. (Eff: 1-1-13). This complaint was recently amended by Public Act 98-0936; (Eff: 8-13-14).

CHARGE: Misdemeanor (Class A)

BOND: \$1,500

720 ILCS 5/ 12C-35(b)

UNLAWFULLY PERMITTING A MINOR IN A TATTOO PARLOR

In violation of SECTION 12C-35(b) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), a person who is employed in¹ the Union City Tattoo Parlor and who is not licensed to practice medicine in all its branches, did knowingly² permit Don Smith, a person under the age of 18 years, to enter³ the Union City Tattoo Parlor, a premises where tattooing was being performed and Don Smith was not then accompanied by his parent or legal guardian.

¹or who owns; ²or recklessly; ³or remain on the premises

DEFINITIONS: (a) To "Tattoo" means to insert pigment under the surface of the skin of a human being, by pricking with a needle or otherwise, so as to produce an indelible mark or figure through the skin. (b) For the purposes of this subsection (d-5), "Tattoo" also means the indelible mark or figure visible through the skin created by tattooing. 720 ILCS 5/ 12C-25 (d-5)

CHARGING NOTES: (a) Notice that this new subsection provides that the suspect commits this offense "unless the person under 18 years of age is accompanied by his or her parent or legal guardian." I included this phrase in the body of the charge. You may consider this phrase to create an affirmative defense. In which case, you do not need to include this allegation in your charging instrument. (b) Subsections (a) and (b) of this Section do not apply to the removal of a

tattoo from a person under 18 years of age, who is a victim of a violation of Section 10-9 of this Code or who is or has been a street-gang member as defined in Section 10 of the Illinois Street-gang Terrorism Omnibus Prevention Act, if the removal of the tattoo is performed in an establishment or multi-type establishment which has received a certificate of registration from the Department of Public Health or its agent under the Tattoo and Body Piercing Establishment Registration Act and the removal of the tattoo is performed by the operator or an authorized employee of the operator of the establishment or multi-type establishment.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: Created by Public Act 94-684 (1-1-06) and amended and re-numbered by P. A. 97-1109. (Eff: 1-1-13). This complaint was amended by Public Act 98-0936. Effective: 8-13-14.

CHARGE: Misdemeanor (Class A)

BOND: \$1,500

720 ILCS 5/ 12C-40(a)(1)

PIERCING THE BODY² OF A MINOR

In violation of SECTION 12C-40(a)(1) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), knowingly¹ pierced the body² of Don Smith, a person under the age of 18 years, without the written consent of a parent³ of Don Smith in that said defendant pierced the nose of Don Smith.

¹or recklessly; ²or oral cavity; ³or legal guardian

DEFINITION: As use in this Section, "pierce" means to make a hole in the body in order to insert or allow the insertion of any ring, hoop, stud, or other object for the purpose of ornamentation of the body. "Piercing" does not include tongue splitting as defined in Section 12-10.2.

NOTE: For a required form of a written consent for piercing the oral cavity, see the text of this offense.

EXEMPTIONS: This Section may not be construed in any way to prohibit any injection, incision, acupuncture, or similar medical or dental procedure performed by a licensed health care professional or other person authorized to perform that procedure or the presence on the premises where that procedure is being performed by a health care professional or other person authorized to perform that procedure on a person under 18 years of age who is not accompanied by a parent or legal guardian. This Section does not prohibit ear piercing. This Section does not apply to a minor emancipated under the Juvenile Court Act of 1987 or the Emancipation of Mature Minors Act or by marriage. This Section does not apply to a person under 18 years of age who pierces the body or oral cavity of another person under 18 years of age away from the premises of any

business at which body piercing or oral cavity piercing is performed.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: Created by Public Act 91-412 (Eff: 9-5-99). Amended by Public Act 92-692, 93-449, 94-684 and amended and re-numbered by P. A. 97-1109. (Eff: 1-1-13).

CHARGE: Misdemeanor (Class A)

BOND: \$1,500

720 ILCS 5/ 12C-40(a)(2)

UNLAWFULLY PERMITTING A MINOR IN A BODY PIERCING PARLOR

In violation of SECTION 12C-40(a)(2) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), a person who is employed in¹ the Union City Body Shop, did knowingly² permit Don Smith, a person under the age of 18 years, to enter³ the Union City Body Shop, a premises where body piercing was being performed and Don Smith was not then accompanied by his parent or legal guardian.

¹or who owns; ²or recklessly; ³or remain on the premises

DEFINITIONS: As use in this Section, "pierce" means to make a hole in the body in order to insert or allow the insertion of any ring, hoop, stud, or other object for the purpose of ornamentation of the body. "Piercing" does not include tongue splitting as defined in Section 12-10.2 or Appendix C.

CHARGING NOTE: Notice that this new subsection provides that the suspect commits this offense "unless the person under 18 years of age is accompanied by his or her parent or legal guardian." I included this phrase in the body of the charge. You may consider this phrase to create an affirmative defense. In which case, you do not need to include this allegation in your charging instrument.

NOTE: For a required form of a written consent for piercing the oral cavity, see the text of this offense.

EXEMPTIONS: This Section may not be construed in any way to prohibit any injection, incision, acupuncture, or similar medical or dental procedure performed by a licensed health care professional or other person authorized to perform that procedure or the presence on the premises where that procedure is being performed by a health care professional or other person authorized to perform that procedure on a person under 18 years of age who is not accompanied by a parent or legal guardian. This Section does not prohibit ear piercing. This Section does not apply to a minor emancipated under the Juvenile Court Act of 1987 or the Emancipation of Mature Minors Act or by marriage. This Section does not apply to a person under 18 years of age who pierces the body or oral cavity of another person under 18 years of age away from the premises of any

business at which body piercing or oral cavity piercing is performed.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: Created by Public Act 94-684 (1-1-06) and amended by P. A. 97-1109. (Eff: 1-1-13).

CHARGE: Misdemeanor (Class A)

BOND: \$1,500

720 ILCS 5/ 12C-45(a)

DRUG INDUCED INFLICTION OF AGGRAVATED BATTERY
TO A CHILD ATHLETE

In violation of SECTION 12C-45(a) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), knowingly distributed to¹ Don Smith, a person under the age of 18 years, the drug Quick-off, with the intent that Don Smith ingest the drug Quick-off for the purpose of a quick weight loss² in connection with Don Smith's participation in athletics.

¹or encouraged the victim to ingest; ²or weight gain

EXEMPTION: This Section does not apply to care under usual and customary standards of medical practice by a physician licensed to practice medicine in all its branches nor to the sale of drugs or products by a retain merchant.

CHARGING NOTE: A second or subsequent violation is a Class 4 felony. The charging instrument must state the prior conviction. See Appendix A.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: Created by Public Act 89-632 (Eff: 1-1-97) and amended and re-numbered by P. A. 97-1109. (Eff: 1-1-13).

CHARGE: Misdemeanor (Class A)

BOND: \$1,500

720 ILCS 5/ 12C-50(a)

HAZING

In violation of SECTION 12C-50(a) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), knowingly required Don Smith, a student¹ at the University of Union City,² in Union City, Illinois, to drink a quart of whiskey,³ an act not sanctionable⁴ by the University of Union City, for the purpose of induction⁵ into the University of Union City Chess Club⁶ and Don Smith⁷ suffered bodily harm as a result of this act.

¹or other person; ²in any school, college, university, or other educational institution of this State; ³or to perform any act; ⁴or authorized; ⁵or admission; ⁶or into any group, organization, or society associated or connected with the educational institution; ⁷or any person

CHARGING NOTE: This offense is a Class 4 felony if the victim suffers great bodily harm or death. See Sentencing Guide for discussion.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

This complaint was re-numbered by P. A. 97-1109. (Eff: 1-1-13).

CHARGE: Misdemeanor (Class A)

BOND: \$1,500

720 ILCS 5/ 12C-50.1(b)

UNLAWFUL FAILURE TO REPORT HAZING

In violation of SECTION 12C-50.1(b) ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), a school official at the Union City High School, while fulfilling his¹ official responsibilities as a school official, personally observed an act; to wit: (describe the act), which resulted in bodily harm to Sam Smith² and which was not sanctioned³ by the Union City High School, and said defendant knowingly failed to report the act to his¹ supervising educational authorities⁴.

¹or her; ²or to any person; ³or authorized; ⁴or, in the event of death or great bodily harm, to law enforcement.

AFFIRMATIVE DEFENSE: It is an affirmative defense to a charge of failure to report hazing under this Section that the person who personally observed the act had a reasonable apprehension that timely action to stop the act would result in the imminent infliction of death, great bodily harm, permanent disfigurement, or permanent disability to that person or another in retaliation for reporting. 12C-50.1(d) Further, nothing in this Section shall be construed to allow

prosecution of a person who personally observes the act of hazing and assists with an investigation and any subsequent prosecution of the offender. 12C-50.1(e)

DEFINITION: "School official" includes any and all paid school administrators, teachers, counselors, support staff, and coaches and any and all volunteer coaches employed by a school, college, university, or other educational institution of this State. 12C-50.1(a)

CHARGING NOTE: If the act which the person failed to report resulted in death or great bodily harm, the offense is a Class A misdemeanor. 12C-50.1(c)

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide. This complaint was created by P. A. 98-0393. (Eff: 8-16-13).

CHARGE: Misdemeanor (Class B)

BOND: \$1,500

720 ILCS 5/ 12C-60(a)(1)

VIOLATION OF CURFEW

In violation of SECTION 12C-60(a)(1) ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), a person under the age of 17 years, was unlawfully upon a public street,¹ the corner of May and Font Streets, City of Union City, Union County, Illinois, at 3:00 A.M., Sunday, June 1, 2008.²

¹or present at or upon any public assembly, building place, street, or highway; ²or any time (1) between 12:01 A.M. and 6:00 A.M. Saturday; (2) between 12:01 A.M. and 6:00 A.M. Sunday; and (3) between 11:00 P.M. on Sunday to Thursday, inclusive, and 6:00 A.M. on the following day.

CHARGING AND SENTENCING NOTE: A person convicted of a violation of any provision of this Section shall be guilty of a petty offense and shall be fined not less than \$10 or more than \$500, except that neither a person who has been made a ward of the court under the Juvenile Court Act of 1987, nor that person's legal guardian, shall be subject to any fine. See Sentencing Guide for discussion.

EXCEPTIONS: When accompanied and supervised by a parent, legal guardian or other responsible companion at least 18 years of age approved by a parent or legal guardian or unless engaged in a business or occupation which the laws of this State authorized a person less than 17 years of age to perform. (See following complaint.)

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: Created Laws 1963, P.3323 (August 23, 1963) - Amended P.A. 77-2355, 79-159 and 89-682 re-numbered by P. A. 97-1109. (Eff: 1-1-13).

CHARGE: Petty Offense

BOND: No bond is now needed.
Public Act: 98-0870; Eff: 1-1-15.

720 ILCS 5/ 12C-65(a)

UNLAWFUL TRANSFER OF TELECOMMUNICATIONS
DEVICE TO A MINOR

In violation of SECTION 12C-65(a) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), gave¹ a telecommunications device² to Don Smith, a person under 18 years of age, with the intent that the communications device be used to commit the offense of theft in violation of Section 16-1 of the Illinois Criminal Code of 1961.³

¹or sold or otherwise transferred possession; ²telecommunications device" or "device" means a device which is portable or which may be installed in a motor vehicle, boat or other means of transportation, and which is capable of receiving or transmitting speech, data, signals or other information, including but not limited to, pugiva devices, cellular and mobile telephones, and radio transceivers, to receive only AM and FM broadcasts; ³or any offense under this Code, the Cannabis Control Act, or the Illinois Controlled Substances Act

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

CHARGE: Misdemeanor (Class A)

BOND: \$1,500

720 ILCS 5/ 14-2(a)(1)(A)

EAVESDROPPING

In violation of SECTION 14-2(a)(1)(A) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), knowingly and intentionally used an eavesdropping device¹ for the purpose of hearing² a conversation³ between James Brown and Don Smith without the consent of James Brown and Don Smith⁴ and that conversation was intended by James Brown and Don Smith to be private and confidential. (See Caution)

¹Brief Definition: Any device capable of being used to hear or record an oral conversation, or intercept, retain or transcribe electronic communications, whether such conversation is conducted in person, by telephone, or by any other means (720 ILCS 5/14-1); ²or recording; ³or intercepts, retains, or transcribes an electronic communication; ⁴or without acting in accordance with 720 ILCS 5/108A or 108B

CAUTION (CONSTITUTIONALITY OF STATUTE): In the cases of People v. Clark, 2014 IL 115776 and People v. Melongo, 2014 IL 114852, the Illinois Supreme Court declared the 1994 amendment to the current Eavesdrop statute unconstitutional. Under case law published prior to the unconstitutional amendment, the over hear of a conversation was not eavesdropping if the parties to that conversation had no expectation of privacy in that conversation. These cases must be considered when considering charging this offense.

NOTE: There are limited exemptions dealing with public communications in 720 ILCS 5/14-3.

CHARGING NOTES: A second or subsequent offense is a Class 3 felony. The charging document must state the prior violation. The eavesdropping of an oral conversation or an electronic communication between any law enforcement officer, State's Attorney, Assistant State's Attorney, the Attorney General, Assistance Attorney General, or a judge, while in the performance of his or her official duties, if not authorized by this Article or proper court order, is a Class 1 felony. See the Sentencing Guide and Appendix A.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: Codified - Laws 1961, p.1983 (January 1, 1962); Amended - P.A.s 76-1110, 79-1159, 85-1203, 91-657 & 94-183.

CHARGE: Felony (Class 4)

BOND: Must be Set by Judge

720 ILCS 5/ 14-2(a)(3)

EAVESDROPPING

In violation of SECTION 14-2(a)(3) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), knowingly used¹ information which he knew² was illegally obtained through the use of an eavesdropping device.³ (See CAUTION)

¹or divulged; ²or reasonably should have known; ³Brief Definition: Any device capable of being used to hear or record an oral conversation, or intercept, retain or transcribe electronic communications, whether such conversation is conducted in person, by telephone, or by any other means. (720 ILCS 5/14-1)

CAUTION (CONSTITUTIONALITY OF STATUTE): In the cases of People v. Clark, 2014 IL 115776 and People v. Melongo, 2014 IL 114852, the Illinois Supreme Court declared the 1994 amendment to the current Eavesdrop statute unconstitutional. Under case law published prior to the unconstitutional amendment, the overhear of a conversation was not eavesdropping if the parties to that conversation had no expectation of privacy in that conversation. These cases must be considered when considering charging this offense.

NOTE: 720 ILCS 5/108A and 108B, authorizes a limited disclosure and use of information obtained through the use of an eavesdropping device.

NOTE: There are limited exemptions dealing with public communications in 720 ILCS 5/14-3.

CHARGING NOTES: A second or subsequent offense is a Class 3 felony. The charging document must state the prior violation. The eavesdropping of an oral conversation or an electronic communication between any law enforcement officer, State's Attorney, Assistant State's Attorney, the Attorney General, Assistance Attorney General, or a judge, while in the performance of his or her official duties, if not authorized by this Article or proper court order, is a Class 1 felony. See the Sentencing Guide and Appendix A.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

CHARGE: Felony (Class 4)

BOND: Must be Set by Judge
