

11.119 Definition Of Aggravated Battery--Based On Certain Conduct

A person commits the offense of aggravated battery , other than by discharge of a firearm, when he

[1] knowingly, other than as authorized by the Illinois Controlled Substances Act, delivers a controlled substance to another and any person experiences [(great bodily harm) (permanent disability)] as a result of the [(injection) (inhalation) (ingestion)] of any amount of that controlled substance.

[or]

[2] knowingly [(administers to an individual) (causes an individual to take)] [(without the individual's consent) (by threat) (by deception)] for other than medical purposes, any [(intoxicating) (poisonous) (stupefying) (narcotic) (anesthetic) (controlled)] substance.

[or]

[3] knowingly, for other than medical purposes, gives to another person any food that contains any [(substance) (object)] that is intended to cause physical injury if eaten.

[or]

[4] knowingly [(causes) (attempts to cause)] a [(correctional institutional) (Department of Human Services)] employee to come into contact with [(blood) (seminal fluid) (urine) (feces)] by [(throwing) (tossing) (expelling)] the [(fluid) (material)] and the defendant is [(an inmate of a penal institution) ([a sexually (violent) (dangerous) person] in the custody of the Department of Human Services)].

Committee Note

Instruction and Committee Note Approved April 13, 2016

720 ILCS 5/12-3.05(g) (West 2016) amended by P.A. 96-1551, effective July 1, 2011.

The current aggravated battery statute, 720 ILCS 5/12-3.05 has seven separate categories: (1) Offense based on injury; (2) Offense based on injury to a child or person with an intellectual disability; (3) Offense based on location or conduct; (4) Offense based on status of victim; (5) Offense based on use of firearm; (6) Offense based on use of a weapon or device; and, (7) Offense based on certain conduct. There are separate sets of jury instructions for each category.

Give Instruction 11.119 when the defendant is charged under paragraph (g) of 720 ILCS 5/12-3.05.

Give Instruction 11.120.

When applicable, give Instruction 4.26 defining “correctional institution employee”.

When the Aggravated Battery statute was reorganized by P.A. 96-1551, two then-existing sections of Aggravated Battery and two new offenses were placed in this Section 720 ILCS 5/12-3.05(g) – Aggravated Battery Based On Certain Conduct. For offenses contained in [2] or [3] which occurred prior to the new Aggravated Battery statute’s effective date of July 1, 2011, refer to IPI’s 11.17-11.20 that were in effect prior to July 1, 2011.

Use the phrase “without legal justification” whenever an instruction is to be given on an affirmative defense contained in Article 7 of the Criminal Code of 2012 (720 ILCS 5/7-1 *et seq.*). See *People v. Worsham*, 26 Ill.App.3d 767, 326 N.E.2d 134 (1st Dist.1975).

Use applicable paragraphs and bracketed material.

The bracketed numbers and letters are present solely for the guidance of court and counsel and should not be included in the instruction submitted to the jury.