14.00
ROBBERY AND BURGLARY

14.01
Definition Of Robbery

A person commits the offense of robbery when he [(intentionally) (knowingly) (recklessly)] takes property from the person or the presence of another by the use of force or by threatening the imminent use of force.

Committee Note

720 ILCS 5/18-1 (West, 1992) (formerly Ill.Rev.Stat. ch. 38, §18-1 (1991)).

Give Instruction 14.02.

In People v. Jones, 149 Ill.2d 288, 297, 595 N.E.2d 1071, 1075, 172 Ill.Dec. 401, 405 (1992), the Illinois Supreme Court held that "either intent, knowledge or recklessness is an element of robbery even though the statutory definition of robbery does not expressly set forth a mental state." Accordingly, the Committee has modified this instruction to include those three mental states as alternative elements of this offense.

Specific intent to permanently deprive is not an element of the offense of robbery. People v. Banks, 75 Ill.2d 383, 388 N.E.2d 1244, 27 Ill.Dec. 195 (1979).

Use applicable bracketed material.

14.02
Issues In Robbery

To sustain the charge of robbery, the State must prove the following propositions:

First Proposition: That the defendant [(intentionally) (knowingly) (recklessly)] took property from the person or presence of ____; and

Second Proposition: That the defendant did so by the use of force or by threatening the imminent use of force.

If you find from your consideration of all the evidence that each one of these propositions has been proved beyond a reasonable doubt, you should find the defendant guilty.

If you find from your consideration of all the evidence that any one of these propositions has not been proved beyond a reasonable doubt, you should find the defendant not guilty.

Committee Note

720 ILCS 5/18-1 (West, 1992) (formerly Ill.Rev.Stat. ch. 38, §18-1 (1991)).

Give Instruction 14.01.

In People v. Jones, 149 Ill.2d 288, 297, 595 N.E.2d 1071, 1075, 172 Ill.Dec. 401, 405 (1992), the Illinois Supreme Court held that "either intent, knowledge or recklessness is an element of robbery even though the statutory definition of robbery does not expressly set forth a mental state." Accordingly, the Committee has modified this instruction to include those three mental states as alternative elements of this offense.

The Committee no longer believes that it is necessary to identify in the instruction the specific property alleged to have been taken from the victim.

Insert in the blank the name of the victim.

When accountability is an issue, ordinarily insert the phrase "or one for whose conduct he is legally responsible" after the word "defendant" in each proposition. See Instruction 5.03.

14.03
Definition Of Robbery Of A Victim Who Is 60 Years Of Age Or Over Or Who Is Physically Handicapped

A person commits the offense of robbery of a victim [(60 years of age or over) (who is physically handicapped)] when he [(intentionally) (knowingly) (recklessly)] takes property from the person or presence of another who is [(60 years of age or over) (a physically handicapped person)] by the use of force or by threatening the imminent use of force.

Committee Note

720 ILCS 5/18-1(b) (West, 1992) (formerly Ill.Rev.Stat. ch. 38, §18-1(b) (1991)).

Give Instruction 14.04.

P.A. 85-691, effective January 1, 1988, amended Section 18-1, to provide that robbery is raised from a Class 2 felony to a Class 1 felony if the victim is 60 years of age or over or is a physically handicapped person.

In People v. White, 241 Ill.App.3d 291, 301, 608 N.E.2d 1220, 1228, 181 Ill.Dec. 746, 754 (2d Dist.1993), the court agreed with the Committee's determination that the State must plead and prove each of the circumstances set forth in Section 18-1(b) that it is relying on to enhance this offense from a Class 2 to a Class 1 felony. However, the defendant does not have to *know* that the victim is 60 years of age or older or physically handicapped in order to be convicted under Section 18-1(b). See *White*, 241 Ill.App.3d at 302, 608 N.E.2d at 1229, 181 Ill.Dec. at 755.

If the alleged victim is a physically handicapped person, give Instruction 4.10A defining that term.

In People v. Jones, 149 Ill.2d 288, 297, 595 N.E.2d 1071, 1075, 172 Ill.Dec. 401, 405 (1992), the Illinois Supreme Court held that “either intent, knowledge or recklessness is an element of robbery even though the statutory definition of robbery does not expressly set forth a mental state.” Accordingly, the Committee has modified this instruction to include those three mental states as alternative elements of this offense.

Specific intent to deprive permanently is not an element of the offense of robbery. People v. Banks, 75 Ill.2d 383, 388 N.E.2d 1244, 27 Ill.Dec. 195 (1979).

Use applicable bracketed material.

14.04
Issues In Robbery Of A Victim Who Is 60 Years Of Age Or Over Or Who Is Physically Handicapped

To sustain the charge of robbery of a victim [(60 years of age or over) (who is physically handicapped)], the State must prove the following propositions:

First Proposition: That the defendant [(intentionally) (knowingly) (recklessly)] took property from the person or presence of ____; and

Second Proposition: That the defendant did so by the use of force or by threatening the imminent use of force; and

Third Proposition: That the person from whom the defendant took property was [(60 years of age or over) (a physically handicapped person)].

If you find from your consideration of all the evidence that each of these propositions has been proved beyond a reasonable doubt, you should find the defendant guilty.

If you find from your consideration of all the evidence that any one of these propositions has not been proved beyond a reasonable doubt, you should find the defendant not guilty.

Committee Note

720 ILCS 5/18-1(b) (West, 1992) (formerly Ill.Rev.Stat. ch. 38, §18-1(b) (1991)).

Give Instruction 14.03.

In People v. Jones, 149 Ill.2d 288, 297, 595 N.E.2d 1071, 1075, 172 Ill.Dec. 401, 405 (1992), the Illinois Supreme Court held that "either intent, knowledge or recklessness is an element of robbery even though the statutory definition of robbery does not expressly set forth a mental state." Accordingly, the Committee has modified this instruction to include those three mental states as alternative elements of this offense.

Insert in the blank the name of the victim.

Use applicable bracketed material.

When accountability is an issue, ordinarily insert the phrase "or one for whose conduct he is legally responsible" after the word "defendant" in each proposition. See Instruction 5.03.

14.05
Definition Of Armed Robbery

A person commits the offense of armed robbery when he, [while carrying on or about his person, or is otherwise armed with (a dangerous weapon other than a firearm) (a firearm),] [during the commission of the offense (personally discharges a firearm) (personally discharges a firearm that proximately causes (great bodily harm) (permanent disability) (permanent disfigurement) (death) to another person)], and] knowingly takes property from the person or presence of another by the use of force or by threatening the imminent use of force.

Committee Note

Committee Note and Instruction Approved January 24, 2014

720 ILCS 5/18-2 (West 2013), amended by P.A. 91-404, effective January 1, 2000, by inserting the subsection (a)(1) designation, and inserting "other than a firearm" following "dangerous weapon" in subsection (a)(1); adding subsections (a)(2) through (a)(4); and in subsection (b) inserting "in violation of subsection (a)(1)" in the first sentence, and adding the second, third, and fourth sentences.

Give Instruction 14.06.

When the alleged weapon in question is not inherently dangerous, give Instruction 4.17. *See People v. Skelton,* 83 Ill.2d 58, 414 N.E.2d 455 (1980).

Specific intent to permanently deprive is not an element of the offense of robbery. *People v. Banks,* 75 Ill.2d 383, 388 N.E.2d 1244 (1979).

Use applicable bracketed material.

14.06
Issues In Armed Robbery

To sustain the charge of armed robbery, the State must prove the following propositions:

First Proposition: That the defendant knowingly took property from the person or presence of _____; and

Second Proposition: That the defendant did so by the use of force or by threatening the imminent use of force; and

Third Proposition: That the defendant carried on or about his person, or was otherwise armed with [(a dangerous weapon other than a firearm) (a firearm)] at the time of the taking.

[or]

Third Proposition: That the defendant, during the commission of the offense, personally discharged a firearm [that proximately caused (great bodily harm) (permanent disability) (permanent disfigurement) (death) to another person].

If you find from your consideration of all the evidence that each one of these propositions has been proved beyond a reasonable doubt, you should find the defendant guilty.

If you find from your consideration of all the evidence that any one of these propositions has not been proved beyond a reasonable doubt, you should find the defendant not guilty.

Committee Note

Committee Note and Instruction Approved January 24, 2014

720 ILCS 5/18-2 (West 2013), amended by P.A. 91-404, effective January 1, 2000, by inserting the subsection (a)(1) designation, and inserting "other than a firearm" following "dangerous weapon" in subsection (a)(1); adding subsections (a)(2) through (a)(4); and in subsection (b) inserting "in violation of subsection (a)(1)" in the first sentence, and adding the second, third, and fourth sentences.

Give Instruction 14.05.

When the alleged weapon in question is not inherently dangerous, give Instruction 4.17. *See People v. Skelton,* 83 Ill.2d 58, 414 N.E.2d 455 (1980).

Specific intent to permanently deprive is not an element of the offense of robbery. *People v. Banks,* 75 Ill.2d 383, 388 N.E.2d 1244 (1979).

The Committee no longer believes that it is necessary to identify in the instruction the specific property alleged to have been taken from the victim.

Insert in the blank the name of the victim.

Use applicable bracketed material.

When accountability is an issue, ordinarily insert the phrase "or one for whose conduct he is legally responsible" after the word "defendant" in each proposition. Give Instruction 5.03.

14.07
Definition Of Burglary--Unauthorized Entry

A person commits the offense of burglary when he, without authority, knowingly enters a[n] [(building) (house trailer) (watercraft) (aircraft) (railroad car) (motor vehicle)] [or any part thereof] with intent to commit therein the offense of ____.

Committee Note

720 ILCS 5/19-1 (West, 1992) (formerly Ill.Rev.Stat. ch. 38, §19-1 (1991)).

Give Instruction 14.08.

Give Instruction 23.43B, defining the term "motor vehicle", if the information or indictment alleges that the object entered was a motor vehicle and if there is an issue as to whether the object of entry was a motor vehicle.

Give Instruction 14.07A when an issue arises regarding the defendant's criminal intent when he entered the building, house trailer, watercraft, aircraft, railroad car, or motor vehicle and whether this intent, or lack thereof, makes his entry "with authority" or "without authority". See the Committee Note to Instruction 14.07A.

This instruction and Instructions 14.08, 14.09, and 14.10 are based upon People v. Tinkler, 85 Ill.App.3d 528, 407 N.E.2d 985, 41 Ill.Dec. 487 (3d Dist.1980); People v. Green, 83 Ill.App.3d 982, 404 N.E.2d 930, 39 Ill.Dec. 339 (3d Dist.1980); and People v. Vallero, 61 Ill.App.3d 413, 378 N.E.2d 549, 19 Ill.Dec. 48 (3d Dist.1978). They hold that a burglary conviction based on remaining within will not stand upon proof that the defendant entered without authority, whether the defendant formed his intent to steal before or after his entry. See also People v. Boone, 217 Ill.App.3d 532, 577 N.E.2d 788, 160 Ill.Dec. 463 (3d Dist.1991).

The Committee recommends that, at the request of either party, or *sua sponte*, the court define the offense (theft or the specified felony) alleged as the objective of the burglary.

Insert in the blank the intended offense alleged in the charge.

Use applicable bracketed material.

14.07A
Unauthorized Entry--Limited Authority Doctrine--Burglary

The defendant's entry into a[n] [(building) (house trailer) (watercraft) (aircraft) (railroad car) (motor vehicle)] is "without authority" if, at the time of entry, the defendant has an intent to commit a criminal act within the [(building) (house trailer) (watercraft) (aircraft) (railroad car) (motor vehicle)] regardless of whether the defendant was initially invited in or received consent to enter.

However, the defendant's entry into the [(building) (house trailer) (watercraft) (aircraft) (railroad car) (motor vehicle)] is "with authority" if the defendant enters without criminal intent and was initially invited in or received consent to enter, regardless of what the defendant does after he enters.

Committee Note

This instruction should be given *only* when an issue arises regarding the defendant's criminal intent when he entered the building, house trailer, watercraft, aircraft, railroad car, or motor vehicle, and whether this intent, or lack thereof, affects the status of his entry--"with authority" or "without authority". See People v. Bush, 157 Ill.2d 248, 253-54, 623 N.E.2d 1361, 1364, 191 Ill.Dec. 475, 478 (1993). In People v. Smith, 264 Ill.App.3d 82, 91, 637 N.E.2d 1128, 1134, 202 Ill.Dec. 392, 398 (3d Dist.1994), the court approved use of an instruction setting forth the limited authority doctrine to the jury in a case where the defendant had been charged with burglary.

The "limited-authority" doctrine provides that a defendant's authority to enter a building, house trailer, watercraft, aircraft, railroad car, or motor vehicle is limited only to the specific purpose for which he entered. Thus, the defendant's entry is "without authority" if prior to entering, the defendant intends to commit a criminal act within the building, house trailer, watercraft, aircraft, railroad car, or motor vehicle. When this is the case, the status of his entry is *not affected* by whether he was invited into or received consent to enter the building, house trailer, watercraft, aircraft, railroad car, or motor vehicle. As noted by the court in Bush,

> "No individual who is granted access to a dwelling can be said to be an authorized entrant if he intends to commit criminal acts therein, because, if such intentions had been communicated to the owner at the time of entry, it would have resulted in the individual's being barred from the premises *ab initio.*" *Bush,* 157 Ill.2d at 253-54, 623 N.E.2d at 1364, 191 Ill.Dec. at 478.

However, if the defendant does not form his criminal intent until after entering, then his invited or consented entry is "with authority". *Bush,* 157 Ill.2d at 253-54, 623 N.E.2d at 1364, 191 Ill.Dec. at 478; People v. Bailey, 188 Ill.App.3d 278, 284-87, 543 N.E.2d 1338, 1341-43, 135 Ill.Dec. 591, 594-96 (5th Dist.1989).

In Bush, the Illinois Supreme Court specifically requested that the Committee write an instruction which conveys the "limited-authority" doctrine to the jury when the defendant is charged with the offense of home invasion. *Bush,* 157 Ill.2d at 257, 623 N.E.2d at 1365, 191 Ill.Dec. at 479 ("an instruction regarding the limited authority doctrine is necessary to augment the IPI instructions on home invasion"); see Instruction 11.53A. In Bush, the court also approvingly cited People v. Hudson, 113 Ill.App.3d 1041, 1045, 448 N.E.2d 178, 181, 69

Ill.Dec. 718, 721 (5th Dist.1983), which stated that the "without authority" language in the home invasion statute and the burglary statute should be construed consistently. *Bush*, 157 Ill.2d at 254, 623 N.E.2d at 1364, 191 Ill.Dec. at 478. Thus, the Committee believes that the supreme court's analysis in Bush extends to the offense of burglary because of its similar use of the phrase "without authority", and has accordingly provided this instruction. See also *Smith*, 264 Ill.App.3d at 91, 637 N.E.2d at 1133-34, 202 Ill.Dec. at 397-98.

In Bush, an issue arose whether the defendant had been invited into another's residence wherein an altercation had ensued. The trial court, over the defendant's objection, supplemented the home invasion instructions with a non-IPI instruction which discussed whether the defendant's entry was unauthorized. The Illinois Supreme Court held that an instruction setting forth the limited authority doctrine was appropriate in this case, but that the trial court's non-IPI instruction had misstated the doctrine. Accordingly, the supreme court stated that the defendant was entitled to a new trial with an instruction which correctly set forth the limited authority doctrine. People v. Bush, 157 Ill.2d 248, 257, 623 N.E.2d 1361, 1365, 191 Ill.Dec. 475, 479 (1993).

14.08
Issues In Burglary--Unauthorized Entry

To sustain the charge of burglary by unauthorized entry, the State must prove the following propositions:

First Proposition: That the defendant knowingly entered a[n] [(building) (house trailer) (watercraft) (aircraft) (railroad car) (motor vehicle)] [or any part thereof]; and

Second Proposition: That the defendant did so without authority; and

Third Proposition: That the defendant did so with intent to commit therein the offense of ____.

If you find from your consideration of all the evidence that each one of these propositions has been proved beyond a reasonable doubt, you should find the defendant guilty.

If you find from your consideration of all the evidence that any one of these propositions has not been proved beyond a reasonable doubt, you should find the defendant not guilty.

Committee Note

720 ILCS 5/19-1 (West, 1999) (formerly Ill.Rev.Stat. ch. 38, §19-1 (1991)).

Give Instruction 14.07.

This instruction and Instructions 14.07, 14.09, and 14.10 are based upon People v. Tinkler, 85 Ill.App.3d 528, 407 N.E.2d 985, 41 Ill.Dec. 487 (3d Dist.1980), People v. Green, 83 Ill.App.3d 982, 404 N.E.2d 930, 39 Ill.Dec. 339 (3d Dist.1980), and People v. Vallero, 61 Ill.App.3d 413, 378 N.E.2d 549, 19 Ill.Dec. 48 (3d Dist.1978). They hold that a burglary conviction based on remaining within will not stand upon proof that defendant entered without authority, whether defendant formed his intent to steal before or after his entry.

Insert in the blank the intended offense alleged in the charge.

Use applicable bracketed material.

When accountability is an issue, ordinarily insert the phrase “or one for whose conduct he is legally responsible” after the word “defendant” in each proposition. See Instruction 5.03.

14.09
Definition Of Burglary--Authorized Entry But Unauthorized Remaining Within

A person commits the offense of burglary when he knowingly enters with authority a[n] [(building) (house trailer) (watercraft) (aircraft) (railroad car) (motor vehicle)] [or any part thereof] and thereafter without authority remains within that [(building) (house trailer) (watercraft) (aircraft) (railroad car) (motor vehicle)] [or any part thereof] with intent to commit therein the offense of ____.

Committee Note

720 ILCS 5/19-1 (West, 1992) (formerly Ill.Rev.Stat. ch. 38, §19-1 (1991)).

Give Instruction 14.10.

Give Instruction 23.43B, defining the term "motor vehicle", if the information or indictment alleges that the object entered was a motor vehicle and if there is an issue as to whether the object of entry was a motor vehicle.

This instruction and Instructions 14.07, 14.08, and 14.10 are based upon People v. Tinkler, 85 Ill.App.3d 528, 407 N.E.2d 985, 41 Ill.Dec. 487 (3d Dist.1980); People v. Green, 83 Ill.App.3d 982, 404 N.E.2d 930, 39 Ill.Dec. 339 (3d Dist.1980); and People v. Vallero, 61 Ill.App.3d 413, 378 N.E.2d 549, 19 Ill.Dec. 48 (3d Dist.1978). They hold that a burglary conviction based on remaining within will not stand upon proof that the defendant entered without authority, whether the defendant formed his intent to steal before or after his entry. See also People v. Boone, 217 Ill.App.3d 532, 577 N.E.2d 788, 160 Ill.Dec. 463 (3d Dist.1991).

The Committee recommends that, at the request of either party, or *sua sponte,* the court define the offense (theft or the specified felony) alleged as the objective of the burglary.

Insert in the blank the intended offense alleged in the charge.

Use applicable bracketed material.

14.10
Issues In Burglary--Authorized Entry But Unauthorized Remaining Within

To sustain the charge of burglary by remaining within a[n] [(building) (house trailer) (watercraft) (aircraft) (railroad car) (motor vehicle)], the State must prove the following propositions:

First Proposition: That the defendant knowingly entered a[n] [(building) (house trailer) (watercraft) (aircraft) (railroad car) (motor vehicle)] [or any part thereof]; and

Second Proposition: That the defendant did so with authority; and

Third Proposition: That the defendant thereafter, without authority, knowingly remained within that [(building) (house trailer) (watercraft) (aircraft) (railroad car) (motor vehicle)]; and

Fourth Proposition: That the defendant remained within that [(building) (house trailer) (watercraft) (aircraft) (railroad car) (motor vehicle)] with the intent to commit therein the offense of ____.

If you find from your consideration of all the evidence that each one of these propositions has been proved beyond a reasonable doubt, you should find the defendant guilty.

If you find from your consideration of all the evidence that any one of these propositions has not been proved beyond a reasonable doubt, you should find the defendant not guilty.

Committee Note

720 ILCS 5/19-1 (West, 1992) (formerly Ill.Rev.Stat. ch. 38, §19-1 (1991)).

Give Instruction 14.09.

This instruction and Instructions 14.07, 14.08, and 14.09 are based upon People v. Tinkler, 85 Ill.App.3d 528, 407 N.E.2d 985, 41 Ill.Dec. 487 (3d Dist.1980); People v. Green, 83 Ill.App.3d 982, 404 N.E.2d 930, 39 Ill.Dec. 339 (3d Dist.1980); and People v. Vallero, 61 Ill.App.3d 413, 378 N.E.2d 549, 19 Ill.Dec. 48 (3d Dist.1978). They hold that a burglary conviction based on remaining within will not stand upon proof that the defendant entered without authority, whether the defendant formed his intent to steal before or after his entry. See also People v. Boone, 217 Ill.App.3d 532, 577 N.E.2d 788, 160 Ill.Dec. 463 (3d Dist.1991).

Insert in the blank the intended offense alleged in the charge.

Use applicable bracketed material.

When accountability is an issue, ordinarily insert the phrase “or one for whose conduct he is legally responsible” after the word “defendant” in each proposition. See Instruction 5.03.

14.11
Definition Of Possession Of Burglary Tools

A person commits the offense of possession of burglary tools when he knowingly possesses any [(key) (tool) (instrument) (device) (explosive)] suitable for use in breaking into a[n] [(building) (housetrailer) (watercraft) (aircraft) (motor vehicle) (railroad car) (depository designed for the safekeeping of property)] [or any part thereof] with intent to enter any such place and with intent to commit therein the offense of ____.

Committee Note

720 ILCS 5/19-2 (West, 1999) (formerly Ill.Rev.Stat. ch. 38, §19-2 (1991)).

When possession is the essence of the crime, it must be "knowingly." Chapter 720, Section 4-2; People v. Smith, 20 Ill.2d 345, 169 N.E.2d 777 (1960). Give Instruction 4.16.

The insertion in the specific intent clause at the conclusion of the instruction should be taken from the information or indictment. It should be either theft or the particular felony specified in the indictment or the information as the object of the intended entry. See Committee Note to Instruction 14.05.

It is not necessary to prove that the defendant possessed the burglary tools with specific intent to break and enter into a particular building. See People v. Taranto, 2 Ill.2d 476, 119 N.E.2d 221 (1954); People v. Matthews, 122 Ill.App.2d 264, 258 N.E.2d 378 (2d Dist.1970).

Use applicable bracketed material.

14.12
Issues In Possession Of Burglary Tools

To sustain the charge of possession of burglary tools, the State must prove the following propositions:

First Proposition: That the defendant knowingly possessed a[n] [(key) (tool) (instrument) (device) (explosive)] suitable for use in breaking into a[n] [(building) (housetrailer) (watercraft) (aircraft) (motor vehicle) (railroad car) (depository designed for the safekeeping of property)] [or any part thereof]; and

Second Proposition: That the defendant intended to enter such a place; and

Third Proposition: That the defendant intended to commit therein the offense of ____.

If you find from your consideration of all the evidence that each one of these propositions has been proved beyond a reasonable doubt, you should find the defendant guilty.

If you find from your consideration of all of the evidence that any one of these propositions has not been proved beyond a reasonable doubt, you should find the defendant not guilty.

Committee Note

720 ILCS 5/19-2 (West, 1999) (formerly Ill.Rev.Stat. ch. 38, §19-2 (1991)).

Give Instruction 14.11.

See Committee Note to Instructions 14.07 and 14.11, concerning selection of the appropriate offense for use at the conclusion of the Third Proposition.

The Committee recommends that, at the request of either party, or *sua sponte*, the court define the offense (theft or the specified felony) alleged as the object of the intended entry.

Use applicable bracketed material.

When accountability is an issue, ordinarily insert the phrase “or one for whose conduct he is legally responsible” after the word “defendant” in each proposition. See Instruction 5.03.

14.12A
Definition Of Unlawful Sale Of Burglary Tools

A person commits the offense of unlawful sale of burglary tools when he knowingly [(sells) (transfers)] [(any key) (any key, including a key designed for lock bumping,) (a lock pick)] specifically manufactured or altered for use in breaking into [(a building) (a housetrailer) (a watercraft) (an aircraft) (a motor vehicle) (a railroad car) (any depository designed for the safekeeping of property)] [or any part of that property].

Committee Note

Instruction and Committee Note Approved January 24, 2014.

720 ILCS 5/19-2.5 (West 2013), added by P.A. 96-1307, § 5, effective January 1, 2011.

Give Instruction 14.12B.

When applicable, give Instruction 14.12C, defining "lock bumping".

When applicable, give Instruction 23.43B, defining "motor vehicle".

Use applicable bracketed material.

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

Section 19-2.5 sets forth an exception to the offense of unlawful sale of burglary tools. The statute does not apply to the sale or transfer of any key or lock pick described in this instruction to any peace officer or other employee of a law enforcement agency, or to any person or agency licensed as a locksmith pursuant to statute, or to any person engaged in the business of towing vehicles, or to any person engaged in the business of lawful repossession of property who possesses a valid Repossessor-ICC Authorization Card. If the defendant relies on this exception, it will be necessary to give additional instructions.

14.12B
Issues In Unlawful Sale Of Burglary Tools

To sustain the charge of unlawful sale of burglary tools, the State must prove the following proposition:

That the defendant knowingly [(sold) (transferred)] [(any key) (any key, including a key designed for lock bumping,) (a lock pick)] specifically manufactured or altered for use in breaking into [(a building) (a housetrailer) (a watercraft) (an aircraft) (a motor vehicle) (a railroad car) (any depository designed for the safe keeping of property)] [or any part of that property].

If you find from your consideration of all the evidence that this proposition has been proved beyond a reasonable doubt, you should find the defendant guilty.

If you find from your consideration of all the evidence that this proposition has not been proved beyond a reasonable doubt, you should find the defendant not guilty.

Committee Note

Instruction and Committee Note Approved January 24, 2014.

720 ILCS 5/19-2.5 (West 2013), added by P.A. 96-1307, § 5, effective January 1, 2011.

Give Instruction 14.12A.

When applicable, give Instruction 14.12C, defining “lock bumping”.

When applicable, give Instruction 23.43B, defining “motor vehicle”.

Use applicable bracketed material.

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

Section 19-2.5 sets forth an exception to the offense of unlawful sale of burglary tools. The statute does not apply to the sale or transfer of any key or lock pick described in this instruction to any peace officer or other employee of a law enforcement agency, or to any person or agency licensed as a locksmith pursuant to statute, or to any person engaged in the business of towing vehicles, or to any person engaged in the business of lawful repossession of property who possesses a valid Repossessor-ICC Authorization Card. If the defendant relies on this exception, it will be necessary to give additional instructions.

When accountability is an issue, ordinarily insert the phrase “or one for whose conduct he is legally responsible” after the word “defendant” in the proposition. Give Instruction 5.03.

14.12C
Definition Of Lock Bumping

The term "lock bumping" means a lock picking technique for opening a pin tumbler lock using a specially-crafted bumpkey.

Committee Note

Instruction and Committee Note Approved January 24, 2014.

720 ILCS 5/19-2.5 (West 2013), added by P.A. 96-1307, § 5, effective January 1, 2011.

Give this instruction when the defendant is charged with unlawful sale of burglary tools under Section 19-2.5(b) and it is alleged he sold or transferred a key designed for lock bumping.

14.13
Definition Of Residential Burglary

A person commits the offense of residential burglary when he knowingly and without authority enters the dwelling place of another with the intent to commit therein the offense of ____.

Committee Note

720 ILCS 5/19-3 (West, 1992) (formerly Ill.Rev.Stat. ch. 38, §19-3 (1991)).

Give Instruction 14.14.

Give Instruction 4.03, defining the term "dwelling place" for the purposes of residential burglary.

In People v. Donoho, 245 Ill.App.3d 938, 942, 615 N.E.2d 805, 807, 186 Ill.Dec. 1, 3 (2d Dist.1993), the court held that the trial court must give an instruction defining "dwelling" in residential burglary cases.

Give Instruction 11.53A when an issue arises regarding the defendant's criminal intent when he entered the dwelling and whether this intent, or lack thereof, makes his entry into the dwelling "with authority" or "without authority". Instruction 11.53A discusses this "limited authority" doctrine as it applies to the offense of home invasion. See the Committee Note to Instruction 11.53A. The Committee believes that the supreme court's decision in People v. Bush, 157 Ill.2d 248, 253-54, 623 N.E.2d 1361, 1364, 191 Ill.Dec. 475, 478 (1993), that the limited authority doctrine applies to private residences and the offense of home invasion similarly extends to the offense of residential burglary. Thus, if the defendant's intent when entering the dwelling is an issue, an instruction on the limited authority doctrine should be given in conjunction with the residential burglary instructions. See *Bush*, 157 Ill.2d at 257, 623 N.E.2d at 1365, 191 Ill.Dec. at 479.

14.14
Issues In Residential Burglary

To sustain the charge of residential burglary, the State must prove the following propositions:

First Proposition: That the defendant knowingly entered the dwelling place of another; and

Second Proposition: That the defendant did so without authority; and

Third Proposition: That the defendant did so with the intent to commit therein the offense of ____.

If you find from your consideration of all the evidence that each one of these propositions has been proved beyond a reasonable doubt, you should find the defendant guilty.

If you find from your consideration of all the evidence that any one of these propositions has not been proved beyond a reasonable doubt, you should find the defendant not guilty.

Committee Note

720 ILCS 5/19-3 (West, 1999) (formerly Ill.Rev.Stat. ch. 38, §19-3 (1991)).

Give Instruction 14.13.

See the Committee Note to Instruction 14.07, concerning the selection of the appropriate offense for use at the conclusion of the Third Proposition.

When accountability is an issue, ordinarily insert the phrase "or one for whose conduct he is legally responsible" after the word "defendant" in each proposition. See Instruction 5.03.

14.15
Definition Of Criminal Fortification Of A Residence Or Building

A person commits the offense of criminal fortification of a residence or building when, with the intent to prevent the lawful entry of a law enforcement officer [or another], he maintains a residence or building in a fortified condition, knowing that such residence or building is used for the [(manufacture) (storage) (delivery) (trafficking)] of [(cannabis) (____, a controlled substance)].

Committee Note

720 ILCS 5/19-5(a) (West, 1999) (formerly Ill.Rev.Stat. ch. 38, §19-5(a) (1991)), added by P.A. 86-760, effective January 1, 1990.

Give Instruction 14.16.

Give Instruction 14.15A, defining the term "fortified condition."

If the charging document refers to a law enforcement officer, do not use the bracketed phrase "or another."

Use applicable bracketed material.

14.15A
Definition Of Fortified Condition

The term "fortified condition" means preventing or impeding entry through the use of steel doors, wooden planking, crossbars, alarm systems, dogs, or other similar means.

Committee Note

720 ILCS 5/19-5(b) (West, 1999) (formerly Ill.Rev.Stat. ch. 38, §19-5(b) (1991)).

14.16
Issues In Criminal Fortification Of A Residence Or Building

To sustain the charge of criminal fortification of a residence or building, the State must prove the following propositions:

First Proposition: That the defendant maintained a residence or building in a fortified condition; and

Second Proposition: That the defendant did so knowing the residence or building was used for the [(manufacture) (storage) (delivery) (trafficking)] of [(cannabis) (____, a controlled substance)]; and

Third Proposition: That the defendant did so with the intent to prevent the lawful entry of [(a law enforcement officer) (____)].

If you find from your consideration of all the evidence that each one of these propositions has been proved beyond a reasonable doubt, you should find the defendant guilty.

If you find from your consideration of all the evidence that any one of these propositions has not been proved beyond a reasonable doubt, you should find the defendant not guilty.

Committee Note

720 ILCS 5/19-5(a) (West, 1999) (formerly Ill.Rev.Stat. ch. 38, §19-5(a) (1991)), added by P.A. 86-760, effective January 1, 1990.

Give Instructions 14.15 and 14.15A.

When applicable, insert in the blank in the Second Proposition the name of the controlled substance.

When applicable, insert in the blank in the Third Proposition the name or designation of "another" used in the charging document if not a law enforcement officer.

Use applicable bracketed material.

When accountability is an issue, ordinarily insert the phrase "or one for whose conduct he is legally responsible" after the word "defendant" in each proposition. See Instruction 5.03.

14.17
Definition Of Criminal Trespass To A Residence

A person commits the offense of criminal trespass to a residence when, without authority, he knowingly [(enters) (remains within)] any residence.

Committee Note

720 ILCS 5/19-4(a) (West, 1999) (formerly Ill.Rev.Stat. ch. 38, §19-4(a) (1991)).

Give Instructions 14.17A and 14.18.

Use applicable bracketed material.

14.17A
Definition Of A Residence--Criminal Trespass

The word "residence"
[1] includes a house trailer.

[or]

[2] means the portion of a multi-unit residential building or complex which is the actual dwelling place of any person[, and does not include such places as common recreational areas or lobbies].

Committee Note

720 ILCS 5/19-4(a) (West, 1999) (formerly Ill.Rev.Stat. ch. 38, §19-4(a) (1991)).

When appropriate, use the final bracketed material prohibiting the application of the statute to common recreational areas or lobbies.

Use applicable paragraphs.

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

14.18
Issues In Criminal Trespass To A Residence

To sustain the charge of criminal trespass to a residence, the State must prove the following propositions:

First Proposition: That the defendant knowingly [(entered) (remained within)] a residence; and

Second Proposition: That the defendant [(entered) (remained within)] the residence without authority to do so.

If you find from your consideration of all the evidence that each one of these propositions has been proved beyond a reasonable doubt, you should find the defendant guilty.

If you find from your consideration of all the evidence that any one of these propositions has not been proved beyond a reasonable doubt, you should find the defendant not guilty.

Committee Note

720 ILCS 5/19-4(a) (West, 1999) (formerly Ill.Rev.Stat. ch. 38, §19-4(a) (1991)).

Give Instruction 14.17.

The Committee takes no position on whether defendant's knowledge of his non-authority to enter or remain within the residence is an element of the offense. See People v. Brown, 150 Ill.App.3d 535, 501 N.E.2d 1347, 103 Ill.Dec. 809 (3d Dist.1986).

When accountability is an issue, ordinarily insert the phrase “or one for whose conduct he is legally responsible” after the word “defendant” in each proposition. See Instruction 5.03.

14.19
Definition Of Aggravated Robbery

A person commits the offense of aggravated robbery when he [(intentionally) (knowingly) (recklessly)] takes property from the person or presence of another by the use of force or by threatening the imminent use of force while indicating verbally or by his actions to the victim that he is presently armed with a firearm.

A person can commit the offense of aggravated robbery even though it is later determined that he had no firearm in his possession when he committed the robbery.

Committee Note

720 ILCS 5/18-5 (West Supp.1993), added by P.A. 88-144, effective January 1, 1994, and amended by P.A. 88-670, effective December 2, 1994.

Give Instruction 14.20.

When appropriate, give Instruction 18.35G, defining "firearm."

In People v. Jones, 149 Ill.2d 288, 297, 595 N.E.2d 1071, 1075, 172 Ill.Dec. 401, 405 (1992), the Illinois Supreme Court held that "either intent, knowledge, or recklessness is an element of robbery even though the statutory definition of robbery does not expressly set forth a mental state." The Committee believes this holding applies as well to aggravated robbery. Accordingly, the Committee has included those three mental states as alternative elements of this offense. See 720 ILCS 5/4-3(b).

Specific intent to permanently deprive is not an element of the offense of robbery. People v. Banks, 75 Ill.2d 383, 388 N.E.2d 1244, 27 Ill.Dec. 195 (1979).

Use applicable bracketed material.

14.20
Issues In Aggravated Robbery

To sustain the charge of aggravated robbery, the State must prove the following propositions:

First Proposition: That the defendant [(intentionally) (knowingly) (recklessly)] took property from the person or presence of ____; and

Second Proposition: That the defendant did so by the use of force or by threatening the imminent use of force; and

Third Proposition: That the defendant did so while indicating verbally or by his actions to the victim that he was at that time armed with a firearm.

If you find from your consideration of all the evidence that each one of these propositions has been proved beyond a reasonable doubt, you should find the defendant guilty.

If you find from your consideration of all the evidence that any one of these propositions has not been proved beyond a reasonable doubt, you should find the defendant not guilty.

Committee Note

720 ILCS 5/18-5 (West Supp.1993), added by P.A. 88-144, effective January 1, 1994, and amended by P.A. 88-670, effective December 2, 1994.

Give Instruction 14.19.

When appropriate, give Instruction 18.35G, defining "firearm."

The Committee believes that this instruction need not identify the specific property alleged to have been taken from the victim.

Insert in the blank the name of the victim.

When accountability is an issue, ordinarily insert the phrase "or one for whose conduct he is legally responsible" after the word "defendant" in each proposition. See Instruction 5.03.

14.21
Definition Of Vehicular Hijacking

A person commits the offense of vehicular hijacking when he [(intentionally) (knowingly) (recklessly)] takes a motor vehicle from the person or the immediate presence of another by the use of force or by threatening the imminent use of force.

Committee Note

720 ILCS 5/18-3 (West Supp.1993), added by P.A. 88-351, effective August 13, 1993.

Give Instruction 14.22.

Give Instruction 23.43B, defining the term "motor vehicle", if there is an issue as to whether the item taken was a motor vehicle.

In People v. Jones, 149 Ill.2d 288, 297, 595 N.E.2d 1071, 1075, 172 Ill.Dec. 401, 405 (1992), the Illinois Supreme Court held that "either intent, knowledge or recklessness is an element of robbery even though the statutory definition of robbery does not expressly set forth a mental state." Because the offense of vehicular hijacking closely resembles robbery, the Committee believes the holding in Jones applies to vehicular hijacking as well. Accordingly, the Committee has included alternative mental states for this offense.

Specific intent to permanently deprive is not an element of the offense of robbery. People v. Banks, 75 Ill.2d 383, 388 N.E.2d 1244, 27 Ill.Dec. 195 (1979).

Use applicable bracketed material.

14.22
Issues In Vehicular Hijacking

To sustain the charge of vehicular hijacking, the State must prove the following propositions:

First Proposition: That the defendant [(intentionally) (knowingly) (recklessly)] took a motor vehicle from the person or the immediate presence of ____; and

Second Proposition: That the defendant did so by the use of force or by threatening the imminent use of force.

If you find from your consideration of all the evidence that each one of these propositions has been proved beyond a reasonable doubt, you should find the defendant guilty.

If you find from your consideration of all the evidence that any one of these propositions has not been proved beyond a reasonable doubt, you should find the defendant not guilty.

Committee Note

720 ILCS 5/18-3 (West Supp.1993), added by P.A. 88-351, effective August 13, 1993.

Give Instruction 14.21.

In People v. Jones, 149 Ill.2d 288, 297, 595 N.E.2d 1071, 1075, 172 Ill.Dec. 401, 405 (1992), the Illinois Supreme Court held that "either intent, knowledge or recklessness is an element of robbery even though the statutory definition of robbery does not expressly set forth a mental state." Because the offense of vehicular hijacking closely resembles robbery, the Committee believes the holding in Jones applies to vehicular hijacking as well. Accordingly, the Committee has included alternative mental states for this offense.

The Committee does not believe that it is necessary to identify in this instruction the specific motor vehicle alleged to have been taken from the victim.

Insert in the blank the name of the victim.

When accountability is an issue, ordinarily insert the phrase "or one for whose conduct he is legally responsible" after the word "defendant" in each proposition. See Instruction 5.03.

14.23
Definition Of Aggravated Vehicular Hijacking

A person commits the offense of aggravated vehicular hijacking when he [(intentionally) (knowingly) (recklessly)] takes a motor vehicle from the person or the immediate presence of another by the use of force or by threatening the imminent use of force, and

[1] the person from whose immediate presence the motor vehicle is taken is a [(physically handicapped person) (person 60 years of age or over)].

[or]

[2] a person under 16 years of age is a passenger in the motor vehicle at the time of the offense.

[or]

[3] he carries on or about his person or is otherwise armed with a dangerous weapon.

Committee Note

720 ILCS 5/18-4 (West Supp.1993), added by P.A. 88-351, effective August 13, 1993.

Give Instruction 14.24.

Give Instruction 23.43B, defining the term "motor vehicle", if there is an issue as to whether the item taken was a motor vehicle.

In People v. Jones, 149 Ill.2d 288, 297, 595 N.E.2d 1071, 1075, 172 Ill.Dec. 401, 405 (1992), the Illinois Supreme Court held that "either intent, knowledge or recklessness is an element of robbery even though the statutory definition of robbery does not expressly set forth a mental state." Because the offense of aggravated vehicular hijacking closely resembles robbery, the Committee believes the holding in Jones applies to aggravated vehicular hijacking as well. Accordingly, the Committee has included alternative mental states for this offense.

Specific intent to permanently deprive is not an element of the offense of robbery. People v. Banks, 75 Ill.2d 383, 388 N.E.2d 1244, 27 Ill.Dec. 195 (1979).

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

Use applicable paragraphs and bracketed material.

14.24
Issues In Aggravated Vehicular Hijacking

To sustain the charge of aggravated vehicular hijacking, the State must prove the following propositions:

First Proposition: That the defendant [(intentionally) (knowingly) (recklessly)] took a motor vehicle from the person or the immediate presence of ____; and

Second Proposition: That the defendant did so by the use of force or by threatening the imminent use of force; and

[1] *Third Proposition:* That the person from whose immediate presence the motor vehicle was taken was a [(physically handicapped person) (person 60 years of age or over)].

[or]

[2] *Third Proposition:* That a person under 16 years of age was a passenger in the motor vehicle at the time of the offense.

[or]

[3] *Third Proposition:* That the defendant carried on or about his person or was otherwise armed with a dangerous weapon at the time of the taking.

If you find from your consideration of all the evidence that each one of these propositions has been proved beyond a reasonable doubt, you should find the defendant guilty.

If you find from your consideration of all the evidence that any one of these propositions has not been proved beyond a reasonable doubt, you should find the defendant not guilty.

Committee Note

720 ILCS 5/18-4 (West Supp.1993), added by P.A. 88-351, effective August 13, 1993.

Give Instruction 14.23.

When the weapon in question is not inherently dangerous, give Instruction 4.17. See People v. Skelton, 83 Ill.2d 58, 414 N.E.2d 455, 46 Ill.Dec. 571 (1980).

In People v. Jones, 149 Ill.2d 288, 297, 595 N.E.2d 1071, 1075, 172 Ill.Dec. 401, 405 (1992), the Illinois Supreme Court held that "either intent, knowledge or recklessness is an element of robbery even though the statutory definition of robbery does not expressly set forth a mental state." Because the offense of aggravated vehicular hijacking closely resembles robbery, the Committee believes the holding in Jones applies to aggravated vehicular hijacking as well. Accordingly, the Committee has included alternative mental states for this offense.

The Committee does not believe that it is necessary to identify in this instruction the specific motor vehicle alleged to have been taken from the victim.

Insert in the blank the name of the victim.

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

Use applicable paragraphs and bracketed material.

When accountability is an issue, ordinarily insert the phrase “or one for whose conduct he is legally responsible” after the word “defendant” in each proposition. See Instruction 5.03.