

11.111 Definition Of Aggravated Battery --Based On Location Of Conduct

A person commits the offense of aggravated battery when he knowingly [without legal justification] and by any means, other than by the discharge of a firearm, [(causes bodily harm) (makes physical contact of an insulting or provoking nature)] with an individual and in doing so, [(he) (the other person)] is on or about [(a public way) (public property) (a public place of accommodation) (a public place of amusement) (a sports venue) (a domestic violence shelter)].

Committee Note

Instruction and Committee Note Approved April 13, 2016

720 ILCS 5/12-3.05(c) (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 11.111 when the defendant is charged under 720 ILCS 5/12-3.05(c).

Give Instruction 11.112. [P1]

When applicable, give Instruction 4.27 defining “sports venue”.

When applicable, give Instruction 4.28 defining “domestic violence shelter”.

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 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.