

18.12
Issues In Aggravated Discharge Of A Firearm--Discharge At A Person, Vehicle, Or Building

To sustain the charge of aggravated discharge of a firearm, the State must prove the following propositions:

First Proposition: That the defendant knowingly discharged a firearm;

and

[1] *Second Proposition:* That the defendant discharged the firearm in the direction of or into a building and from a place outside that building; and

Third Proposition: That when the defendant did so, he knew the building was occupied.

[or]

[2] *Second Proposition:* That the defendant discharged the firearm in the direction of [(another person) (a vehicle he knew was occupied)].

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 5/24-1.2(a)(1) and (a)(2) (West, 1992) (formerly Ill.Rev.Stat., ch. 38, §24-1.2(a)(1) and (a)(2) (1991)), added by P.A. 86-1393, effective September 10, 1990, and amended by P.A. 87-921, effective January 1, 1993.

Give Instruction 18.11.

Use applicable paragraphs and bracketed material.

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

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.