

11.54
Issues In Home Invasion

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

First Proposition: That the defendant was not a police officer acting in the line of duty;
and

Second Proposition: That the defendant knowingly and without authority entered the dwelling place of another; and

Third Proposition: That [(when the defendant entered the dwelling place) (the defendant remained in the dwelling place until)] he knew or had reason to know that one or more persons was present; and

Fourth Proposition: That the defendant was armed with a dangerous weapon; and

Fifth Proposition: That while armed with a dangerous weapon the defendant [(used force) (threatened the imminent use of force)] on _____, a person within the dwelling place.

[or]

First Proposition: That the defendant was not a police officer acting in the line of duty;
and

Second Proposition: That the defendant knowingly and without authority entered the dwelling place of another; and

Third Proposition: That [(when the defendant entered the dwelling place) (the defendant remained in the dwelling place until)] he knew or had reason to know that one or more persons was present; and

Fourth Proposition: That the defendant intentionally caused an injury to _____, a person within the dwelling place.

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 5/12-11 (West 1992) (formerly Ill.Rev.Stat. ch. 38, §12-11 (1991)), amended by P.A. 85-1387, effective September 2, 1988; P.A. 85-1433, effective January 11, 1989; and P.A. 86-820, effective September 7, 1989.

Give Instruction 11.53.

When the nature of the place is an issue, give Instruction 4.03, defining the term “dwelling place”.

Insert in the blanks the name of the appropriate person.

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.