

11.112 Issues In Aggravated Battery--Based on Location Of Conduct

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

First Proposition: That the defendant knowingly by any means, other than by the discharge of a firearm, [(caused bodily harm) (made physical contact of an insulting or provoking nature)] with _____; and

Second Proposition: That when the defendant did so, [(he) (_____)] was 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)].

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

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.

Give Instruction 11.111.

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

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

Insert in the blank(s) the name of the victim.

Whenever the jury is to be instructed on an affirmative defense, this instruction must be combined with the appropriate instructions from Chapter 24-25.00. Because the additional proposition or propositions that will thereby be included will require the jury to find that the defendant acted without legal justification, the Committee has concluded that the phrase “without legal justification” need not be used in this issues instruction, although it does need to be included in Instruction 11.111 (see the Committee Note to Instruction 11.111).

Use applicable bracketed material.

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.