

16.03
Definition Of Shooting A Firearm At A Train
--Criminal Damage

A person commits the offense of shooting a firearm at a train when he knowingly shoots a firearm at any portion of a railroad train.

Committee Note

Committee Note Approved December 1, 2017

720 ILCS 5/21-1(a)(7) (West, 2017)-, amended by P.A.86-496, effective January 1, 1990, and P.A. 86-1254, effective January 1, 1991; P.A. 88-406, effective August 20, 1993; P.A. 88-558, effective January 1, 1995; P.A. 89-8, effective March 21, 1995; P.A. 91-360, effective July 29, 1999; P.A. 92-454, effective January1, 2002; P.A. 94-509, effective August 9, 2005; P.A. 95-553, effective June 1, 2008; P.A. 96-529, effective August 14, 2009; P.A. 97-1108, effective January 1, 2013; and, P.A. 98-315, effective January 1, 2014.

Give Instruction 16.04.

Although contained in the criminal damage statute, Chapter 720, Section 21-1(7) defines a separate and distinct offense. That offense is a felony without regard to the amount of damage caused and even without regard to whether any damage is caused. Compare Committee Note to Instruction 16.01. The Committee concluded that the jury would be less likely to be confused by a separate instruction defining this offense without any reference to the term “criminal damage.”