

13.78

Issues In False Representation To A Tattoo Or Body Piercing Business As The Parent Or Legal Guardian Of A Minor

To sustain the charge of false representation to a tattoo or body piercing business as the parent or legal guardian of a minor, the State must prove the following propositions:

First Proposition: That the defendant was not the parent or legal guardian of _____; and

Second Proposition: That the defendant falsely represented himself to be the parent or legal guardian of _____ to an owner or employee of a tattoo or body piercing business; and

Third Proposition: That when the defendant did so, _____ was a person under the age of 18 years; and

Fourth Proposition: That the defendant made the false representation for the purpose of [(accompanying _____ to a business that provides tattooing) (accompanying _____ to a business that provides body piercing) (furnishing the written consent required to pierce the body of _____)].

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 4, 2014.

720 ILCS 5/12-10.3 (West 2013), added by P.A. 96-1311, § 5, effective January 1, 2011.

Give Instruction 13.77.

Insert in the blanks the name of the minor.

When applicable, give Instruction 13.79, defining “tattoo”.

When applicable, give Instruction 13.80, defining “pierce”.

720 ILCS 5/12C-40, which does not prohibit ear piercing, sets forth an exception to the offense of piercing the body of a minor. Section 12C-40 does not apply to a minor emancipated by statute or by marriage. When the defendant is charged under Section 12-10.3 with accompanying the minor to a business that provides body piercing and the defendant relies on the emancipated minor exception, the committee suggests adding the phrase “who was not or had not been married or who had not been emancipated” to the end of the third proposition.

Use applicable bracketed material.

The brackets are present solely for the guidance of court and counsel and should not be included in the instruction 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. Give Instruction 5.03.