

11.104
Issues In Predatory Criminal Sexual Assault Of A Child

To sustain the charge of predatory criminal sexual assault of a child, the State must prove the following propositions:

First Proposition: That the defendant [(intentionally) (knowingly) (recklessly)] committed [(an act of contact, however slight, between the [(sex organ) (anus)] of one person and the part of the body of another for the purposes of [(sexual gratification) (arousal)] of _____) (sexual penetration with _____)]; and

Second Proposition: That the defendant was 17 years of age or older when the act was committed; and

Third Proposition: That _____ was under 13 years of age when the act was committed.

If you find from your consideration of all the evidence that each 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 29, 2016.

720 ILCS 5/11-1.40(a) (Renumbered and amended as § 11-1.40 by P.A. 96-1551, Art.2, §5, effective July 1, 2011). Added by P.A. 89-428, effective December 13, 1995; Amended by 89-462, effective May 29, 1996, Amended by P.A. 90-396, effective January 1, 1998; Amended by P.A. 90-735, effective August 11, 1998; 91-238, effective January 1, 2000; Amended by P.A. 91-404, effective January 1, 2000; Amended by P.A. 92-16, effective June 28, 2001; Amended by P.A. 95-640, effective June 1, 2008; Amended by P.A. 98-370, effective January 1, 2014; amended by P.A. 98-903, effective August 15, 2014.

Give Instruction 11.103.

See Committee Note to Instruction 11.103 regarding the use of mental states in this instruction.

When, in the First Proposition the allegation is “an act of contact, however slight, . . .”, insert in the blank the word “defendant” or the name of the victim as applicable.

When, in the First Proposition the allegation is “an act of sexual penetration”, insert in the blank the name of the victim.

In the Third Proposition, insert in the blank the name of the victim.

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 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. See Instruction 5.03.