

**11.124**  
**Issues In Aggravated Domestic Battery**

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

[1] *First Proposition:* That the defendant knowingly caused [(great bodily harm) (permanent disability) (permanent disfigurement)] to \_\_\_\_; and

*Second Proposition:* That \_\_\_\_ was then a family or household member to the defendant.

[or]

[2] *First Proposition:* That the defendant strangled \_\_\_\_; and

*Second Proposition:* That in doing so, the defendant knowingly [(caused bodily harm to) (made physical contact of an insulting or provoking nature with)] \_\_\_\_; and

*Third Proposition:* That \_\_\_\_ was then a family or household member to the defendant.

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 5/12-3.3 (West 2019).

Give Instruction 11.123.

Give Instruction 11.11A, defining “family or household member.”

Give Instruction 11.107A, defining “strangle,” when applicable.

The Committee considered whether a person could commit the offense of aggravated domestic battery causing great bodily harm, permanent disability or disfigurement based upon making physical contact of an insulting or provoking nature, and believes that in these circumstances the defendant inherently causes bodily harm; as a result, including language whether the conduct was insulting or provoking would be unnecessary and confusing.

Whenever the jury is to be instructed on an affirmative defense, it is necessary to use the phrase “without legal justification” in Instruction 11.123 (see Committee Note to Instruction 11.123), and this instruction must be combined with the appropriate instructions from Chapter 24-25.00. As 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.

Insert in the blanks the name of the victim.

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.

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.