

13.07
Definition Of Theft Of A Firearm

A person commits the offense of theft of a firearm when he knowingly [(obtains) (exerts)] unauthorized control over a firearm, and
[1] intends to deprive the owner permanently of the use or benefit of the firearm.

[or]

[2] knowingly [(uses) (conceals) (abandons)] the firearm in such manner as to deprive the owner permanently of its use or benefit.

[or]

[3] [(uses) (conceals) (abandons)] the firearm knowing that such [(use) (concealment) (abandonment)] probably will deprive the owner permanently of such use or benefit.

Committee Note

720 ILCS 5/16-1(a)(1)(A), (B), and (C), and 16-1(b)(3) (West, 1999) (formerly Ill.Rev.Stat. ch. 38, §16-1(a)(1)(A), (B), and (C), and 16-1(b)(3) (1991)).

Give Instruction 13.08.

Theft of a firearm is a Class 4 felony. A second theft of a firearm is a Class 3 felony. The Committee has not prepared instructions for “Second Theft of a Firearm.” Such a charge is too rare to justify inclusion in these Pattern Instructions. The Committee takes no position on whether the prosecution must prove as an element of the Class 3 felony the prior conviction of theft of a firearm.

Other definitions may be appropriate. See Instructions 13.33 through 13.33D.

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.