

11.54
Issues In Home Invasion

To sustain the charge of home invasion, the State must prove the following propositions:

First Proposition: That the defendant was not a peace officer acting in the line of duty;
and

[or]

First Proposition: That the defendant falsely represented himself [to be a representative of (any unit of government) (a construction company) (a telecommunications company) (utility company) (_____)] for the purpose of gaining entry to the dwelling place of another; and

Second Proposition: That the defendant knowing and without authority entered the dwelling place of another; and

Third Proposition: That [(when the defendant entered the dwelling place) (the defendant remained in the dwelling place until)] he knew or had reason to know that one or more persons was present; and

Fourth Proposition: That the defendant was armed with a dangerous weapon other than a firearm; and

Fifth Proposition: That while armed with a dangerous weapon other than a firearm the defendant [(used force) (threatened the imminent use of force)] on _____, a person within the dwelling place.

[or]

First Proposition: That the defendant was not a peace officer acting in the line of duty;
and

[or]

First Proposition: That the defendant falsely represented himself [to be a representative of (any unit of government) (a construction company) (a telecommunications company) (utility company) (_____)] for the purpose of gaining entry to the dwelling place of another; and

Second Proposition: That the defendant knowing and without authority entered the dwelling place of another; and

Third Proposition: That [(when the defendant entered the dwelling place) (the defendant remained in the dwelling place until)] he knew or had reason to know that one or more persons was present; and

Fourth Proposition: The defendant intentionally caused injury to _____, a person within the dwelling place.

[or]

First Proposition: That the defendant was not a peace officer acting in the line of duty; and

[or]

First Proposition: That the defendant falsely represented himself [to be a representative of (any unit of government) (a construction company) (a telecommunications company) (utility company) (_____)] for the purpose of gaining entry to the dwelling place of another; and

Second Proposition: That the defendant knowing and without authority entered the dwelling place of another; and

Third Proposition: That [(when the defendant entered the dwelling place) (the defendant remained in the dwelling place until)] he knew or had reason to know that one or more persons was present; and

Fourth Proposition: That the defendant was armed with a firearm; and

Fifth Proposition: That while armed with a firearm the defendant [(used force) (threatened the imminent use of force)] on _____, a person within the dwelling place.

[or]

First Proposition: That the defendant was not a peace officer acting in the line of duty; and

[or]

First Proposition: That the defendant falsely represented himself [to be a representative of (any unit of government) (a construction company) (a telecommunications company) (utility company) (_____)] for the purpose of gaining entry to the dwelling place of another; and

Second Proposition: That the defendant knowing and without authority entered the dwelling place of another; and

Third Proposition: That [(when the defendant entered the dwelling place) (the defendant remained in the dwelling place until)] he knew or had reason to know that one or more persons was present; and

Fourth Proposition: That the defendant [(used force) (threatened the imminent use of force)] on _____, a person within the dwelling place; and

Fifth Proposition: That the defendant personally discharged a firearm during the commission of the offense.

[or]

First Proposition: That the defendant was not a peace officer acting in the line of duty; and

[or]

First Proposition: That the defendant falsely represented himself [to be a representative of (any unit of government) (a construction company) (a telecommunications company) (utility company) (_____)] for the purpose of gaining entry to the dwelling place of another; and

Second Proposition: That the defendant knowing and without authority entered the dwelling place of another; and

Third Proposition: That [(when the defendant entered the dwelling place) (the defendant remained in the dwelling place until)] he knew or had reason to know that one or more persons was present; and

Fourth Proposition: That the defendant personally discharged a firearm during the commission of the offense which proximately caused [(great bodily harm) (permanent disability) (permanent disfigurement) (death)] to _____, a person within the dwelling place.

[or]

First Proposition: That the defendant was not a peace officer acting in the line of duty; and

[or]

First Proposition: That the defendant falsely represented himself [to be a representative of (any unit of government) (a construction company) (a telecommunications company) (utility company) (_____)] for the purpose of gaining entry to the dwelling place of another; and

Second Proposition: That the defendant knowing and without authority entered the dwelling place of another; and

Third Proposition: That [(when the defendant entered the dwelling place) (the defendant remained in the dwelling place until)] he knew or had reason to know that one or more persons was present; and

Fourth Proposition: That the defendant committed the offense of [(criminal sexual assault) (aggravated criminal sexual assault) (predatory criminal sexual assault of a child) (criminal sexual abuse) (aggravated criminal sexual abuse)] on _____, a person within the dwelling place.

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 May 13, 2015

720 ILCS 5/19-6 (West 2013), amended by P.A. 90-787, effective August 14, 1998 defining “dwelling place of another”; amended by P.A. 91-404, effective January 1, 2000, inserting “other than a firearm” and adding paragraphs [3], [4], and [5]; amended by P.A. 91-928, effective June 1, 2001, adding paragraph [6]; amended by P.A. 96-113, effective January 1, 2011, inserting “or who falsely represents himself or herself, including but not limited to, falsely representing himself or herself to be a representative of any unit of government or a construction, telecommunications, or utility company, for the purpose of gaining entry to the dwelling place of another when he or she knows or has reason to know that one or more persons are present”; amended by P.A. 97-1108, effective January 1, 2013, renumbering this section which was formerly 720 ILCS 5/12-11.

Give Instruction 11.53.

When applicable, give Instruction 11.53A when an issue arises regarding the defendant’s criminal intent when he entered the dwelling and whether this intent, or lack thereof, makes his entry into the dwelling “with authority” or “without authority”. See the Committee Note to Instruction 11.53A.

When applicable, give Instruction 11.53B, defining “injury”.

When applicable, give Instruction 11.53C, defining “dwelling place of another”.

When applicable, give Instruction 11.55, defining “criminal sexual assault”.

When applicable, give Instruction 11.57, defining “aggravated criminal sexual assault”.

When applicable, give Instruction 11.103, defining “predatory criminal sexual assault of a child”.

When applicable, give Instruction 11.59, defining “criminal sexual abuse”.

When applicable, give Instruction 11.61, defining “aggravated criminal sexual abuse”.

When the nature of the place is an issue, give Instruction 4.03, defining “dwelling place”.

When applicable, give Instructions 24-25.25, “defense to home invasion” and 24-25-25A, “issue in defense to home invasion”.

Insert in the blanks the name of the victim in the applicable Fourth or Fifth Proposition.

Insert in the blank in the second alternative First Proposition the type of entity that the defendant falsely represented himself to be a representative of.

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 instructions 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.