

11.120 Issues In Aggravated Battery--Based On Certain Conduct

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

[1] *First Proposition:* That the defendant knowingly delivered a controlled substance to _____; and

Second Proposition: That the defendant was not authorized under the Illinois Controlled Substances Act to deliver the controlled substance to _____; and

Third Proposition: That _____ experienced [(great bodily harm) (permanent disability)] as a result of the [(injection) (inhalation) (ingestion)] of any amount of the controlled substance.

[or]

[2] *First Proposition:* That the defendant knowingly [(administered to _____) (caused _____ to take)] [(an intoxicating) (a poisonous) (a stupefying) (a narcotic) (an anesthetic) (a controlled)] substance; and

Second Proposition: That _____ [(did not consent) (was threatened by the defendant) (was deceived by the defendant)]; and

Third Proposition: That the defendant acted for other than medical purposes.

[or]

[3] *First Proposition:* That the defendant knowingly gave food to another person; and

Second Proposition: That the food contained any [(substance) (object)] intended to cause physical injury if eaten; and

Third Proposition: That the defendant knew the food contained such [(a substance) (an object)].

[or]

[4] *First Proposition:* That the defendant knew _____ to be [(correctional institutional) (Department of Human Services)], and

Second Proposition: That the defendant knowingly [(caused) (attempted to cause)] _____ to come into contact with [(blood) (seminal fluid) (urine) (feces)], and

Third Proposition: That the defendant did so by [(throwing) (tossing) (expelling)] the [(fluid) (material)]; and

Fourth Proposition: That the defendant is [(an inmate of a penal institution) ([a sexually (violent) (dangerous)] person in the custody of the Department of Human Services)].

If you find from your consideration of all the evidence that the State has proved each one of these propositions beyond a reasonable doubt, you should find the defendant guilty.

If you find from your consideration of all the evidence that the State has not proved any one of these propositions beyond a reasonable doubt, you should find the defendant not guilty.

Committee Note

Instruction and Committee Note Approved April 13, 2016

720 ILCS 5/12-3.05(g) (West 2016) amended by P.A. 96-1551, effective July 1, 2011.

Give Instruction 11.119.

When applicable, give Instruction 4.26 defining “correctional institution employee”.

In the first set of propositions, bracketed [1], the person that received the controlled substance from the defendant does not necessarily have to be the same person that experienced great bodily harm or permanent disability from using the controlled substance. Insert in the blanks in the First Proposition and the Second Proposition of the first set of propositions the name of the person receiving the controlled substance from the defendant. In the Third Proposition of the first set of propositions, insert the name of the person who experienced the great bodily harm or permanent disability. In the second, third, and fourth sets of propositions, insert in the blanks the name of the victim.

Whenever the jury is to be instructed on an affirmative defense, this instruction must be combined with the appropriate instructions from Chapter 24-25.00. Because 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, although it does need to be included in Instruction 11.119 (see the Committee Note to Instruction 11.119).

Use applicable 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. See Instruction 5.03.