

19.00
MOB ACTION

19.01
Definition Of Mob Action--Unlawful Assembly

A person commits the offense of mob action when he
[1] acting together with one or more persons and without authority of law [(knowingly)
(intentionally) (recklessly)] disturbs the public peace by the use of force or violence.

[or]

[2] assembles with one or more persons to do an unlawful act, [(knowing) (intending)]
that the purpose of assembling was to perform the unlawful act.

[or]

[3] assembles with one or more persons without authority of law, [(knowing) (intending)
] that the purpose of assembling [(was to do violence to the person or property of anyone
supposed to have been guilty of a violation of the law) (was to exercise correctional powers or
regulative powers over any person by violence)].

Committee Note

720 ILCS 5/25-1(a) (West, 1999) (formerly Ill.Rev.Stat. ch. 38, §25-1(a) (1991)).

Give Instruction 19.02.

Give Instructions 5.01, 5.01A, and 5.01B, defining the words “recklessness,” “intent,”
and “knowledge” respectively, when appropriate.

Mental states have been inserted to conform with *People v. Leach*, 3 Ill.App.3d 389, 279
N.E.2d 450 (1st Dist.1972). See also *Landry v. Daley*, 280 F.Supp. 938 (N.D.Ill.1968), reversed
on other grounds, 401 U.S. 77, 91 S.Ct. 758, 27 L.Ed.2d 696 (1971); *People v. Grant*, 101
Ill.App.3d 43, 427 N.E.2d 810, 56 Ill.Dec. 478 (1st Dist.1981).

P.A. 86-863, effective January 1, 1990, raised the grade of offense for violations of
Section 25-1(a)(1) from a misdemeanor to a felony. Violations of Sections 25-1(a)(2) and (a)(3)
remain misdemeanor offenses. See Chapter 720, Sections 25-1(b) and (c).

When the jury is given both Instruction 19.01 and either Instruction 19.03 or Instruction
19.05, the verdict forms should reflect the specific names of these crimes as reflected in the
instructions, e.g., “Mob Action--Unlawful Assembly” and “Mob Action--Failure to Withdraw.”

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.

19.02
Issues In Mob Action--Unlawful Assembly

To sustain the charge of mob action, the State must prove the following propositions:

First Proposition: That the defendant acted together with one or more persons without authority of law; and

Second Proposition: That the defendant [(knowingly) (intentionally) (recklessly)] disturbed the public peace by the use of force or violence.

[or]

First Proposition: That the defendant assembled with one or more persons to do ____;
and

Second Proposition: That the defendant [(knew) (intended)] that the purpose of assembling was to perform ____.

[or]

First Proposition: That the defendant assembled with one or more persons without authority of law; and

Second Proposition: That the defendant [(knew) (intended)] that the purpose of assembling [(was to do violence to the person or property of anyone supposed have been guilty of a violation of the law) (was to exercise correctional powers or regulative powers over any person by violence)].

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 5/25-1(a) (West, 1999) (formerly Ill.Rev.Stat. ch. 38, §25-1(a) (1991)).

Give Instruction 19.01.

When applicable, insert in the blanks the alleged unlawful act.

Use applicable bracketed material.

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.

19.03

Definition Of Mob Action--Violent Infliction Of Injury

A person commits the offense of mob action involving the violent infliction of injury when he

[1] acting together with one or more persons and without authority of law [(knowingly) (intentionally) (recklessly)] disturbs the public peace by the use of force or violence;

[or]

[2] assembles with one or more persons to do an unlawful act, [(knowing) (intending)] that the purpose of assembling was to perform the unlawful act;

[or]

[3] assembles with one or more persons without authority of law, [(knowing) (intending)] that the purpose of assembling [(was to do violence to the person or property of anyone supposed to have been guilty of a violation of law) (was to exercise correctional powers or regulative powers over any person by violence)];

and

one of the participants in the mob action violently inflicts injury to the [(person) (property)] of another.

Committee Note

720 ILCS 5/25-1(a) and (d) (West, 1999) (formerly Ill.Rev.Stat. ch. 38, §25-1(a) and (d) (1991)).

Give Instruction 19.04.

Give Instructions 5.01, 5.01A, and 5.01B, defining the words “recklessness,” “intent,” and “knowledge” respectively, when appropriate.

When the jury is given both Instruction 19.01 and either Instruction 19.03 or Instruction 19.05, the verdict forms should reflect the specific names of these crimes as reflected in the instructions, e.g., “Mob Action--Unlawful Assembly” and “Mob Action--Violent Infliction of Injury.”

Mental states have been inserted to conform with *People v. Leach*, 3 Ill.App.3d 389, 279 N.E.2d 450 (1st Dist.1972). See also *Landry v. Daley*, 280 F.Supp. 938 (N.D.Ill.1968), reversed on other grounds, 401 U.S. 77, 91 S.Ct. 758, 27 L.Ed.2d 696 (1971); *People v. Grant*, 101 Ill.App.3d 43, 427 N.E.2d 810, 56 Ill.Dec. 478 (1st Dist.1981).

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.

19.04
Issues In Mob Action--Violent Infliction Of Injury

To sustain the charge of mob action involving violent infliction of injury the State must prove the following propositions:

First Proposition: That the defendant acted together with one or more persons without authority of law; and

Second Proposition: That the defendant [(knowingly) (intentionally) (recklessly)] disturbed the public peace by the use of force or violence; and

Third Proposition: That one of the participants in the mob action violently inflicted injury upon the [(person) (property)] of another.

[or]

First Proposition: That the defendant assembled with one or more persons to do ____;
and

Second Proposition: That the defendant [(knew) (intended)] that the purpose of assembling was to perform ____; and

Third Proposition: That one of the participants in the mob action violently inflicted injury upon the [(person) (property)] of another.

[or]

First Proposition: That the defendant assembled with one or more persons without authority of law; and

Second Proposition: That the defendant [(knew) (intended)] that the purpose of assembling [(was to do violence to the person or property of anyone supposed to have been guilty of a violation of law) (was to exercise correctional powers or regulative powers over any person by violence)]; and

Third Proposition: That one of the participants in the mob action violently inflicted injury upon the [(person) (property)] of another.

If you find from your consideration of all of 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 5/25-1(a) and (c) (West, 1999) (formerly Ill.Rev.Stat. ch. 38, §25-1(a) and (c) (1991)).

Give Instruction 19.03.

When applicable, insert in the blanks the alleged unlawful act.

Use applicable bracketed material.

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.

19.05
Definition Of Mob Action--Failure To Withdraw

A person commits the offense of mob action involving the failure to withdraw when he [1] acting together with one or more persons and without authority of law [(knowingly) (intentionally) (recklessly)] disturbs the peace by the use of force or violence;

[or]

[2] assembles with one or more persons to do an unlawful act, [(knowing) (intending)] that the purpose of assembling was to perform the unlawful act;

[or]

[3] assembles with one or more persons without authority of law, [(knowing) (intending)] that the purpose of assembling [(was to do violence to the person or property of anyone supposed to have been guilty of a violation of the law) (was to exercise correctional powers or regulative powers over any person by violence)];

and

the defendant fails to withdraw from the mob action on being commanded to do so by a peace officer.

Committee Note

720 ILCS 5/25-1(a) and (e) (West, 1999) (formerly Ill.Rev.Stat. ch. 38, §25-1(a) and (e) (1991)).

Give Instruction 19.06.

Give Instruction 4.08, defining the term “peace officer.”

Give Instructions 5.01, 5.01A, and 5.01B, defining the words “recklessness,” “intent,” and “knowledge” respectively, when appropriate.

When the jury is given both Instruction 19.01 and either Instruction 19.03 or Instruction 19.05, the verdict forms should reflect the specific names of these crimes as reflected in the instructions, e.g., “Mob Action--Unlawful Assembly” and “Mob Action--Failure to Withdraw.”

Mental states have been inserted to conform with *People v. Leach*, 3 Ill.App.3d 389, 279 N.E.2d 450 (1st Dist.1972). See also *Landry v. Daley*, 280 F.Supp. 938 (N.D.Ill.1968), reversed on other grounds, 401 U.S. 77, 91 S.Ct. 758, 27 L.Ed.2d 696 (1971); *People v. Grant*, 101 Ill.App.3d 43, 427 N.E.2d 810, 56 Ill.Dec. 478 (1st Dist.1981).

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.

19.06
Issues In Mob Action--Failure To Withdraw

To sustain the charge of mob action involving the failure to withdraw the State must prove the following propositions:

First Proposition: That the defendant acted together with one or more persons without authority of law; and

Second Proposition: That the defendant [(knowingly) (intentionally) (recklessly)] disturbed the public peace by the use of force or violence; and

Third Proposition: That the defendant failed to withdraw from the mob action on being commanded to do so by a peace officer.

[or]

First Proposition: That the defendant assembled with one or more persons to do ____;
and

Second Proposition: That the defendant [(knew) (intended)] that the purpose of assembling was to perform ____; and

Third Proposition: That the defendant failed to withdraw from the mob action on being commanded to do so by a peace officer.

[or]

First Proposition: That the defendant assembled with one or more persons without authority of law; and

Second Proposition: That the defendant [(knew) (intended)] that the purpose of assembling [(was to do violence to the person or property of anyone supposed to have been guilty of a violation of law) (was to exercise correctional powers or regulative powers over any person by violence)]; and

Third Proposition: That the defendant failed to withdraw from the mob action on being commanded to do so by a peace officer.

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 5/25-1(a) and (d) (West, 1999) (formerly Ill.Rev.Stat. ch. 38, §25-1(a) and (d) (1991)).

Give Instruction 19.05.

When applicable, insert in the blanks the alleged unlawful act.

Use applicable bracketed material.

When accountability is an issue, ordinarily insert the phrase “one for whose conduct he is legally responsible” after the word “defendant” in each proposition. See Instruction 5.03.

19.07
Definition Of Disorderly Conduct

A person commits the offense of disorderly conduct when he knowingly
[1] does any act in such unreasonable manner as to alarm or disturb another and to
provoke a breach of the peace.

[or]

[2] transmits to a fire department of any city, town, village, or fire protection district a
false alarm of fire, knowing there is no reasonable ground for believing that a fire exists.

[or]

[3] transmits to another a false alarm that a bomb or other explosive is concealed in such
a place that its explosion would endanger human life, knowing there is no reasonable ground for
believing that a bomb or explosive is concealed in such a place.

[or]

[4] transmits to any [(peace officer) (public officer) (public employee)] a report that an
offense has been committed, knowing there is no reasonable ground for believing that such an
offense has been committed.

[or]

[5] enters upon the property of another and, for a lewd or unlawful purpose, deliberately
looks into a dwelling on the property through any window or opening in it.

[or]

[6] while acting as a collection agency or as an employee of such collection agency and
while attempting to collect an alleged debt, makes a telephone call to an alleged debtor which is
designed to harass, annoy, or intimidate the alleged debtor.

[or]

[7] transmits a false report to the Department of Children and Family Services that ____.

[or]

[8] transmits a false report to the Department of Public Health that ____.

[or]

[9] transmits to a [(police department) (fire department of any municipality or fire protection district) (privately owned and operated ambulance service)] a false request for an [(ambulance) (emergency medical technician-ambulance) (emergency medical technician-paramedic)] knowing there is no reasonable ground for believing that such assistance is required.

[or]

[10] transmits a false report to the Department of Aging of the State of Illinois that ____.

Committee Note

720 ILCS 5/26-1 (West, 1999) (formerly Ill.Rev.Stat. ch. 38, §26-1 (1991)).

Give Instruction 19.08.

When paragraph [4] is used, give Instruction 4.08, defining the term “peace officer.”

Insert in the blank in paragraph [7] the applicable type(s) of false report(s).

Insert in the blank in paragraph [8] the applicable type(s) of false report(s) defined in 210 ILCS 45/1-101 *et seq.*

Insert in the blank in paragraph [10] the applicable type(s) of false report(s) defined in 320 ILCS 15/1 *et seq.*

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.

19.08
Issues In Disorderly Conduct

To sustain the charge of disorderly conduct, the State must prove the following proposition[s]:

[1] That the defendant knowingly performed an act in such an unreasonable manner as to alarm or disturb another and provoke a breach of the peace.

[or]

[2] *First Proposition:* That the defendant knowingly transmitted to a fire department of any city, town, village, or fire protection district a false alarm of a fire; and

Second Proposition: That the defendant did so knowing that there was no reasonable ground for believing that a fire existed.

[or]

[3] *First Proposition:* That the defendant knowingly transmitted to another a false alarm that a bomb or another explosive was concealed in such a place that its explosion would endanger human life; and

Second Proposition: That the defendant did so knowing that there was no reasonable ground for believing that a bomb or explosive was concealed in that place.

[or]

[4] *First Proposition:* That the defendant knowingly transmitted to a [(peace officer) (public officer) (public employee)] a report that an offense had been committed; and

Second Proposition: That the defendant did so knowing that there was no reasonable ground for believing that such an offense had been committed.

[or]

[5] That the defendant knowingly entered upon the property of another and, for a lewd or unlawful purpose, deliberately looked into a dwelling on the property through any window or other opening in it.

[or]

[6] That the defendant, while acting as a collection agency or as an employee of such collection agency, and while attempting to collect an alleged debt, knowingly made a telephone call to an alleged debtor which was designed to harass, annoy, or intimidate the alleged debtor.

[or]

[7] That that defendant knowingly transmitted a false report to the Department of Children and Family Services that _____.

[or]

[8] That the defendant knowingly transmitted a false report to the Department of Public Health that _____.

[or]

[9] That the defendant knowing transmitted to a [(police department) (fire department of any municipality or fire protection district) (privately owned and operated ambulance service)] a false request for an [(ambulance) (emergency medical technician-ambulance) (emergency medical technician-paramedic)] knowing there was no reasonable ground for believing that such assistance is required.

[or]

[10] That the defendant knowingly transmitted a false report to the Department of Aging of the State of Illinois that _____.

If you find from your consideration of all the evidence that [(each one of these propositions) (this proposition)] 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) (this proposition)] has not been proved beyond a reasonable doubt, you should find the defendant not guilty.

Committee Note

720 ILCS 5/26-1 (West, 1999) (formerly Ill.Rev.Stat. ch. 38, §26-1 (1991)).

Give Instruction 19.07.

When applicable, insert in the blanks the appropriate acts. See Committee Note to Instruction 19.03 to determine the appropriate act(s) to put in the blanks.

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.

19.09
Definition Of Harassment By Telephone

A person commits the offense of harassment by telephone when he
[1] uses a telephone communication for the purpose of making any comment, request, suggestion, or proposal which is obscene, lewd, lascivious, filthy, or indecent with an intent to offend.

[or]

[2] makes a telephone call, whether or not conversation ensues, with the intent to abuse, threaten, or harass any person at the called number.

[or]

[3] makes or causes the telephone of another to ring repeatedly, with the intent to harass any person at the called number.

[or]

[4] makes repeated telephone calls, during which conversation ensues, solely to harass any person at the called number.

[or]

[5] knowingly permits any telephone under his control to be used for the purpose of ____.

Committee Note

720 ILCS 135/1-1 (West, 1999) (formerly Ill.Rev.Stat. ch. 134, §16.4-1 (1991)).

Give Instruction 19.10.

See *People v. Parkins*, 77 Ill.2d 253, 396 N.E.2d 22, 32 Ill.Dec. 909 (1979).

When paragraph [5] is given, insert in the blank the appropriate definition contained in the first four paragraphs.

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.

19.10
Issues In Harassment By Telephone

To sustain the charge of harassment by telephone, the State must prove the following propositions:

First Proposition: That the defendant [(used a telephone) (knowingly permitted a telephone under his control to be used)]; and

Second Proposition: That the defendant did so for the purpose of making any comment, request, suggestions, or proposal which was obscene, lewd, lascivious, filthy, or indecent; and

Third Proposition: That the defendant did so intending to offend.

[or]

Second Proposition: That the defendant did so for the purpose of making a telephone call, whether or not conversation ensued; and

Third Proposition: That the defendant did so intending to abuse, threaten, or harass any person at the called number.

[or]

Second Proposition: That the defendant did so for the purpose of making or causing the telephone of another to ring repeatedly; and

Third Proposition: That the defendant did so intending to harass any person at the called number.

[or]

Second Proposition: That the defendant did so for the purpose of making repeated telephone calls, during which conversation ensued; and

Third Proposition: That the defendant did so intending solely to harass any person at the called number.

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 proposition has not been proved beyond a reasonable doubt, you should find the defendant not guilty.

Committee Note

720 ILCS 135/1-1 (West, 1999) (formerly Ill.Rev.Stat. ch. 134, §16.4-1 (1991)).

Give Instruction 19.09.

When paragraph [5] of Instruction 19.09, the definitional instruction for this offense, is given, use the phrase “knowingly permitted a telephone under his control to be used” in the First Proposition.

Use applicable bracketed material.

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.

19.11 Definition Of Residential Picketing

A person commits the offense of residential picketing when he pickets before or about the [(residence) (dwelling)] of any person and that [(residence) (dwelling)] is not used as a place of business.

Committee Note

720 ILCS 5/21.1-2 (West, 1992) (formerly Ill.Rev.Stat., ch. 38, §21.1-2 (1991)).

Give Instruction 19.12.

Note the exclusions in Section 21.1-1 regarding peacefully picketing one's own residence and peacefully picketing before or about the place of a meeting or assembly on premises commonly used to discuss subjects of general public interest.

In *People v. McQueen*, 241 Ill.App.3d 509, 517, 608 N.E.2d 1333, 1338, 181 Ill.Dec. 859, 864 (4th Dist.1993), the court held that the State must prove that the residence was not "used as a place of business" as an element in all cases because that language in the statute is "descriptive of the offense." The court added parenthetically that because the other two exclusions "are not 'descriptive of the offense,' *** the State need not prove the absence of those exceptions in the absence of some evidence thereon being presented by the defense." (Emphasis deleted.) *McQueen*, 241 Ill.App.3d at 517, 608 N.E.2d at 1338-39, 181 Ill.Dec. at 864-65.

Use applicable bracketed material.

19.12
Issues In Residential Picketing

To sustain the charge of residential picketing, the State must prove the following propositions:

First Proposition: That the defendant picketed; and

Second Proposition: That the defendant did so before or about a [(residence) (dwelling)]; and

Third Proposition: That the [(residence) (dwelling)] was not used as a place of business.

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 5/21.1-2 (West, 1992) (formerly Ill.Rev.Stat., ch. 38, §21.1-2 (1991)).

Give Instruction 19.11 and see the Committee Note to that instruction.

Use applicable bracketed material.

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.</pub>