

11.114 Issues In Aggravated Battery --Based On Status Of Victims

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

First Proposition: That the defendant knowingly, by any means, other than by the discharge of a firearm, [(caused bodily harm to _____) (made physical contact of an insulting or provoking nature with _____)]; and

[1] *Second Proposition:* That at the time the defendant did so, he knew _____ to be

[a] 60 years of age or older.

[or]

[b] pregnant.

[or]

[c] a person who has a physical disability.

[or]

[2] *Second Proposition:* That at the time the defendant did so, he knew _____ to be a [(teacher)(school employee)]; and

Third Proposition: That at the time the defendant did so, he knew _____ was [(upon the grounds of a school) (upon grounds adjacent to a school) (in any part of a building used for school purposes)].

[or]

[3] *Second Proposition:* That at the time the defendant did so, he knew _____ to be a [(peace officer) (community policing volunteer) (fireman) (private security officer) (correctional institution employee)]; and

Third Proposition: That the defendant [(knew that _____ was performing) (battered _____ to prevent performance of) (battered _____ in retaliation for performing)] his official duties.

[or]

[4] *Second Proposition:* That at the time the defendant did so, he knew _____ to be a Department of Human Services employee; and

Third Proposition: That at the time the defendant did so, he knew that _____ was [(supervising) (controlling)] sexually [(dangerous) (violent)] persons; and

Fourth Proposition: That the defendant [(knew that _____ was performing) (battered _____ to prevent performance of) (battered _____ in retaliation for performing)] his official duties.

[or]

[5] *Second Proposition:* That at the time the defendant did so, he knew _____ to be [(a judge) (an emergency management worker) (an emergency medical technician) (a utility worker)]; and

Third Proposition: That the defendant [(knew that _____ was performing) (battered _____ to prevent performance of) (battered _____ in retaliation for performing)] his official duties.

[or]

[6] *Second Proposition:* That at the time the defendant did so, he knew _____ to be an [(officer) (employee)] of [(the State of Illinois) (a unit of local government) (a school district)], and

Third Proposition: That the defendant knew _____ was performing his official duties.

[or]

[7] *Second Proposition:* That at the time the defendant did so, he knew _____ to be a transit employee; and

Third Proposition: That the defendant knew _____ was performing his official duties.

[or]

[8] *Second Proposition:* That at the time the defendant did so, he knew _____ to be a transit passenger.

[or]

[9] *Second Proposition:* That at the time the defendant did so, he knew _____ to be a taxi driver; and

Third Proposition: That the defendant knew _____ was on duty.

[or]

[10] *Second Proposition:* That at the time the defendant did so, he knew _____ to be a merchant; and

Third Proposition: That the defendant knew _____ was detaining the defendant for an alleged commission of retail theft.

[or]

[11] *Second Proposition:* That at the time the defendant did so, he knew _____ to be a [(person authorized to serve process) (special process server appointed by the circuit court)]; and

Third Proposition: That the defendant knew _____ to be in the performance of his official duties as a process server.

[or]

[12] *Second Proposition:* That at the time the defendant did so, he knew _____ to be a nurse; and

Third Proposition: That the defendant knew _____ to be in the performance of his official duties.

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 April 13, 2016

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

Give Instruction 11.113.

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 11.113 (see the Committee Note to Instruction 11.113).

Insert in the blanks the name of the victim.

Use applicable paragraphs, subparagraphs, and bracketed material.

The bracketed numbers and letters 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.