

11.53

Definition Of Home Invasion

A person commits the offense of home invasion when he, [(not being a peace officer acting in the line of duty, without authority, knowingly enters the dwelling place of another) (falsely represents himself, including but not limited to, falsely represents himself to be a representative of any unit of government or a construction company or a telecommunications company or a utility company, for the purpose of gaining entry to the dwelling place of another)] [(when) (and remains in such dwelling place until)] he knows or has reason to know that one or more persons is present), and

[1] while armed with a dangerous weapon, other than a firearm, he uses force or threatens the imminent use of force upon any person or persons within the dwelling place whether or not injury occurs.

[or]

[2] intentionally causes any injury to any person within the dwelling place.

[or]

[3] while armed with a firearm uses force or threatens the imminent use of force upon any person or persons within the dwelling place whether or not injury occurs.

[or]

[4] uses force or threatens the imminent use of force upon any person or persons within the dwelling place whether or not injury occurs and during the commission of the offense personally discharges a firearm.

[or]

[5] personally discharges a firearm that proximately causes [(great bodily harm) (permanent disability) (permanent disfigurement) (death)] to another person within the dwelling place.

[or]

[6] commits, against any person or persons within that dwelling place, the offense of [(criminal sexual assault) (aggravated criminal sexual assault) (predatory criminal sexual assault of a child) (criminal sexual abuse) (aggravated criminal sexual abuse)].

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 11.54.

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”.

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.