13.39
Definition Of Forgery

Use For Cases Where The Offense Is Alleged To Have Occurred Before January 1, 2012

A person commits the offense of forgery when he, with intent to defraud, knowingly

[1] [(makes) (alters)] a _____apparently capable of defrauding another so that it appears to have been made [(by another) (at another time) (with different provisions) (by authority of one who did not give such authority)].

[or]

[2] [(issues) (delivers)] a _____apparently capable of defrauding another which he knows has been made or altered so that it appears to have been made [(by another) (at another time) (with different provisions) (by authority of one who did not give such authority)].

[or]

[3] possesses, with intent to [(issue) (deliver)], a _____ apparently capable of defrauding another which he knows has been made or altered so that it appears to have been made [(by another) (at another time) (with different provisions) (by authority of one who did not give such authority)].

[or]

[4] unlawfully uses the digital signature of another.

[or]

[5] unlawfully uses the signature device of another to create an electronic signature of that other person.

Committee Note

720 ILCS 5/17-3 (West 2015), amended by P.A. 90-575, effective March 20, 1998, which added subsection (a)(4), amended by P.A. 90-759, effective July 1, 1999, which added subsection (a)(5).

Give Instruction 13.40.

When applicable, give Instruction 13.42, defining “document”.

When applicable, give Instruction 5.12, defining “digital signature”.

When applicable, give Instruction 5.13, defining “electronic signature”.

When applicable, give Instruction 5.14, defining “signature device”.

In *People v. Kent*, 40 Ill. App.3d 256, 260 350 N.E.2d 890 (5th Dist. 1976), the appellate court found that a check was apparently capable of defrauding another where it was complete in every respect except its genuineness.

Insert in the blanks the appropriate descriptions of the documents involved, e.g. check, note, mortgage.

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.