

18.12

Issues In Aggravated Discharge Of A Firearm—Discharge At A Person, Vehicle, Or Building

To sustain the charge of aggravated discharge of a firearm, the State must prove the following propositions:

First Proposition: That the defendant [(knowingly) (intentionally)] discharged a firearm;

and

[1] *Second Proposition:* That the defendant discharged the firearm at or into a building and from a place outside the building; and

Third Proposition: That when the defendant did so, he [(knew) (reasonably should have known)] the building was occupied.

[or]

[2] *Second Proposition:* That the defendant discharged the firearm in the direction of [(another person) (a vehicle he [(knew) (reasonably should have known)] was occupied)].

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 December 2, 2014

720 ILCS 5/24-1.2(a)(1) and (a)(2) (West 2013) as amended by P.A. 87-921, effective January 1, 1993 inserting “or intentionally” after “knowingly” at the end of the introductory language; and as amended by P.A. 91-12, effective January 1, 2000 inserting “or reasonably should know” in subdivisions (a)(1) and (a)(2) and adding “by a person” at the end of subdivision (2).

Give Instruction 18.11.

When applicable, give Instruction 18.35G, defining “firearm”.

When applicable, give Instruction 18.35O, defining “school”.

When applicable, give Instruction 18.35P, defining “school related activity”.

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. Give Instruction 5.03.