



## 104TH GENERAL ASSEMBLY

### State of Illinois

2025 and 2026

HB1032

Introduced 1/9/2025, by Rep. John M. Cabello

#### SYNOPSIS AS INTRODUCED:

720 ILCS 5/7-1	from Ch. 38, par. 7-1
720 ILCS 5/7-2	from Ch. 38, par. 7-2
720 ILCS 5/7-3	from Ch. 38, par. 7-3
720 ILCS 5/7-14	from Ch. 38, par. 7-14

Amends the Criminal Code of 2012. Provides that a person who is justified in the use of force, including deadly force, does not have a duty to retreat. Provides that a person who is justified in the use of force, including the use of force that is intended or likely to cause death or great bodily harm, is immune from criminal prosecution and civil action for the use of force justified under these provisions (rather than have an affirmative defense to a criminal prosecution). Defines "criminal prosecution" to include charging or prosecuting the defendant.

LRB104 03250 RLC 13272 b

1 AN ACT concerning criminal law.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Criminal Code of 2012 is amended by  
5 changing Sections 7-1, 7-2, 7-3, and 7-14 as follows:

6 (720 ILCS 5/7-1) (from Ch. 38, par. 7-1)

7 Sec. 7-1. Use of force in defense of person.

8 (a) A person is justified in the use of force against  
9 another and does not have a duty to retreat when and to the  
10 extent that he reasonably believes that such conduct is  
11 necessary to defend himself or another against such other's  
12 imminent use of unlawful force. However, he is justified in  
13 the use of force which is intended or likely to cause death or  
14 great bodily harm only if he reasonably believes that such  
15 force is necessary to prevent imminent death or great bodily  
16 harm to himself or another, or the commission of a forcible  
17 felony and does not have a duty to retreat.

18 (b) In no case shall any act involving the use of force  
19 justified under this Section give rise to any claim or  
20 liability brought by or on behalf of any person acting within  
21 the definition of "aggressor" set forth in Section 7-4 of this  
22 Article, or the estate, spouse, or other family member of such  
23 a person, against the person or estate of the person using such

1 justified force, unless the use of force involves willful or  
2 wanton misconduct.

3 (c) A person who is justified in the use of force,  
4 including the use of force that is intended or likely to cause  
5 death or great bodily harm, is immune from criminal  
6 prosecution and civil action for the use of force justified  
7 under subsection (a) of this Section. As used in this  
8 subsection (c), "criminal prosecution" includes charging or  
9 prosecuting the defendant.

10 (Source: P.A. 93-832, eff. 7-28-04.)

11 (720 ILCS 5/7-2) (from Ch. 38, par. 7-2)

12 Sec. 7-2. Use of force in defense of dwelling.

13 (a) A person is justified in the use of force against  
14 another and does not have a duty to retreat when and to the  
15 extent that he reasonably believes that such conduct is  
16 necessary to prevent or terminate such other's unlawful entry  
17 into or attack upon a dwelling. However, he is justified in the  
18 use of force which is intended or likely to cause death or  
19 great bodily harm only if:

20 (1) The entry is made or attempted in a violent,  
21 riotous, or tumultuous manner, and he reasonably believes  
22 that such force is necessary to prevent an assault upon,  
23 or offer of personal violence to, him or another then in  
24 the dwelling, or

25 (2) He reasonably believes that such force is

1           necessary to prevent the commission of a felony in the  
2           dwelling.

3           (b) In no case shall any act involving the use of force  
4           justified under this Section give rise to any claim or  
5           liability brought by or on behalf of any person acting within  
6           the definition of "aggressor" set forth in Section 7-4 of this  
7           Article, or the estate, spouse, or other family member of such  
8           a person, against the person or estate of the person using such  
9           justified force, unless the use of force involves willful or  
10          wanton misconduct.

11          (c) A person who is justified in the use of force,  
12          including the use of force that is intended or likely to cause  
13          death or great bodily harm, is immune from criminal  
14          prosecution and civil action for the use of force justified  
15          under subsection (a) of this Section. As used in this  
16          subsection (c), "criminal prosecution" includes charging or  
17          prosecuting the defendant.

18          (Source: P.A. 93-832, eff. 7-28-04.)

19                 (720 ILCS 5/7-3) (from Ch. 38, par. 7-3)

20                 Sec. 7-3. Use of force in defense of other property.

21                 (a) A person is justified in the use of force against  
22                 another and does not have a duty to retreat when and to the  
23                 extent that he reasonably believes that such conduct is  
24                 necessary to prevent or terminate such other's trespass on or  
25                 other tortious or criminal interference with either real

1 property (other than a dwelling) or personal property,  
2 lawfully in his possession or in the possession of another who  
3 is a member of his immediate family or household or of a person  
4 whose property he has a legal duty to protect. However, he is  
5 justified in the use of force which is intended or likely to  
6 cause death or great bodily harm only if he reasonably  
7 believes that such force is necessary to prevent the  
8 commission of a forcible felony.

9 (b) In no case shall any act involving the use of force  
10 justified under this Section give rise to any claim or  
11 liability brought by or on behalf of any person acting within  
12 the definition of "aggressor" set forth in Section 7-4 of this  
13 Article, or the estate, spouse, or other family member of such  
14 a person, against the person or estate of the person using such  
15 justified force, unless the use of force involves willful or  
16 wanton misconduct.

17 (c) A person who is justified in the use of force,  
18 including the use of force that is intended or likely to cause  
19 death or great bodily harm, is immune from criminal  
20 prosecution and civil action for the use of force justified  
21 under subsection (a) of this Section. As used in this  
22 subsection (c), "criminal prosecution" includes charging or  
23 prosecuting the defendant.

24 (Source: P.A. 93-832, eff. 7-28-04.)

25 (720 ILCS 5/7-14) (from Ch. 38, par. 7-14)

1           Sec. 7-14. Affirmative defense. Except as otherwise  
2 provided in Sections 7-1, 7-2, and 7-3 of this Article, a ~~A~~  
3 defense of justifiable use of force, or of exoneration, based  
4 on the provisions of this Article is an affirmative defense.  
5 (Source: Laws 1961, p. 1983.)