

HB1096



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB1096

Introduced 2/17/2021, by Rep. Emanuel Chris Welch

SYNOPSIS AS INTRODUCED:

720 ILCS 5/3-2

from Ch. 38, par. 3-2

Amends the Criminal Code of 2012. Makes a technical change in a Section concerning an affirmative defense.

LRB102 03110 RLC 13123 b

A BILL FOR

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 Section 3-2 as follows:

6 (720 ILCS 5/3-2) (from Ch. 38, par. 3-2)

7 Sec. 3-2. Affirmative defense.

8 (a) "Affirmative defense" means that ~~that~~ unless the
9 State's evidence raises the issue involving the alleged
10 defense, the defendant, to raise the issue, must present some
11 evidence thereon.

12 (b) If the issue involved in an affirmative defense, other
13 than insanity, is raised then the State must sustain the
14 burden of proving the defendant guilty beyond a reasonable
15 doubt as to that issue together with all the other elements of
16 the offense. If the affirmative defense of insanity is raised,
17 the defendant bears the burden of proving by clear and
18 convincing evidence his insanity at the time of the offense.

19 (Source: P.A. 89-404, eff. 8-20-95; 90-593, eff. 6-19-98.)