

HB3389



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB3389

Introduced 2/17/2023, by Rep. Angelica Guerrero-Cuellar

SYNOPSIS AS INTRODUCED:

720 ILCS 5/7-1

from Ch. 38, par. 7-1

Amends the Criminal Code of 2012. Provides that a person is not justified in the use of force against another if the person is a streetgang member or gang member and is in possession of a firearm in violation of the Deadly Weapons Article of the Code, the Firearm Owners Identification Card Act, or the Firearm Concealed Carry Act. Provides that a person is not justified in the use of force against another if the person is a convicted felon. Defines "streetgang member" and "gang member".

LRB103 05078 RLC 55771 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 7-1 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 when and to the extent that he reasonably believes
10 that such conduct is necessary to defend himself or another
11 against such other's imminent use of unlawful force. However,
12 he is justified in the use of force which is intended or likely
13 to cause death or great bodily harm only if he reasonably
14 believes that such force is necessary to prevent imminent
15 death or great bodily harm to himself or another, or the
16 commission of a forcible felony.

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

1 wanton misconduct.

2 (c) A person is not justified in the use of force against
3 another as provided in subsection (a) or (b) if the person is a
4 streetgang member or gang member and is in possession of a
5 firearm in violation of Article 24 of this Code, the Firearm
6 Owners Identification Card Act, or the Firearm Concealed Carry
7 Act.

8 (d) A person is not justified in the use of force against
9 another as provided in subsection (a) or (b) if the person is a
10 convicted felon.

11 (e) In this Section, "streetgang member" and "gang member"
12 have the meanings ascribed to those terms in Section 10 of the
13 Illinois Streetgang Terrorism Omnibus Prevention Act.

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