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LRB093 20660 RLC 47344 a

1 AMENDMENT TO SENATE BILL 2386

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 2386 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Criminal Code of 1961 is amended by  
5 changing Sections 7-1, 7-2, and 7-3 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 that  
10 such conduct is necessary to defend himself or another against  
11 such other's imminent use of unlawful force. However, he is  
12 justified in the use of force which is intended or likely to  
13 cause death or great bodily harm only if he reasonably believes  
14 that such force is necessary to prevent imminent death or great  
15 bodily harm to himself or another, or the commission of a  
16 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.

24 (Source: Laws 1961, p. 1983.)

1 (720 ILCS 5/7-2) (from Ch. 38, par. 7-2)

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

3 (a) A person is justified in the use of force against  
4 another when and to the extent that he reasonably believes that  
5 such conduct is necessary to prevent or terminate such other's  
6 unlawful entry into or attack upon a dwelling. However, he is  
7 justified in the use of force which is intended or likely to  
8 cause death or great bodily harm only if:

9 (1) ~~(a)~~ The entry is made or attempted in a violent,  
10 riotous, or tumultuous manner, and he reasonably believes  
11 that such force is necessary to prevent an assault upon, or  
12 offer of personal violence to, him or another then in the  
13 dwelling, or

14 (2) ~~(b)~~ He reasonably believes that such force is  
15 necessary to prevent the commission of a felony in the  
16 dwelling.

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.

24 (Source: Laws 1967, p. 696.)

25 (720 ILCS 5/7-3) (from Ch. 38, par. 7-3)

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

27 (a) A person is justified in the use of force against  
28 another when and to the extent that he reasonably believes that  
29 such conduct is necessary to prevent or terminate such other's  
30 trespass on or other tortious or criminal interference with  
31 either real property (other than a dwelling) or personal  
32 property, lawfully in his possession or in the possession of

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

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

14 (Source: Laws 1961, p. 1983.)

15 Section 99. Effective date. This Act takes effect upon  
16 becoming law."