

HB5453



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

HB5453

by Rep. Michael J. Madigan - Barbara Flynn Currie - Robert S. Molaro

SYNOPSIS AS INTRODUCED:

720 ILCS 5/7-2

from Ch. 38, par. 7-2

Amends the Criminal Code of 1961. Makes a technical change in a Section concerning justification in the use of force against another person in defense of a dwelling.

LRB095 19339 RLC 45634 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 1961 is amended by changing
5 Section 7-2 as follows:

6 (720 ILCS 5/7-2) (from Ch. 38, par. 7-2)

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

8 (a) A person is justified in the ~~the~~ use of force against
9 another when and to the extent that he reasonably believes that
10 such conduct is necessary to prevent or terminate such other's
11 unlawful entry into or attack upon a dwelling. 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:

14 (1) The entry is made or attempted in a violent,
15 riotous, or tumultuous manner, and he reasonably believes
16 that such force is necessary to prevent an assault upon, or
17 offer of personal violence to, him or another then in the
18 dwelling, or

19 (2) He reasonably believes that such force is necessary
20 to prevent the commission of a felony in the dwelling.

21 (b) In no case shall any act involving the use of force
22 justified under this Section give rise to any claim or
23 liability brought by or on behalf of any person acting within

1 the definition of "aggressor" set forth in Section 7-4 of this
2 Article, or the estate, spouse, or other family member of such
3 a person, against the person or estate of the person using such
4 justified force, unless the use of force involves willful or
5 wanton misconduct.

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