



Sen. A. J. Wilhelmi

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LRB096 20635 RLC 37897 a

1 AMENDMENT TO SENATE BILL 3684

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 3684 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 12-11 and 19-3 as follows:

6 (720 ILCS 5/12-11) (from Ch. 38, par. 12-11)

7 Sec. 12-11. Home Invasion.

8 (a) A person who is not a peace officer acting in the line  
9 of duty commits home invasion when without authority he or she  
10 knowingly enters the dwelling place of another when he or she  
11 knows or has reason to know that one or more persons is present  
12 or he or she knowingly enters the dwelling place of another and  
13 remains in such dwelling place until he or she knows or has  
14 reason to know that one or more persons is present or who  
15 falsely represents himself or herself, including but not  
16 limited to, falsely representing himself or herself to be a

1 representative of any unit of government or a construction,  
2 telecommunications, or utility company, for the purpose of  
3 gaining entry to the dwelling place of another when he or she  
4 knows or has reason to know that one or more persons are  
5 present and

6 (1) While armed with a dangerous weapon, other than a  
7 firearm, uses force or threatens the imminent use of force  
8 upon any person or persons within such dwelling place  
9 whether or not injury occurs, or

10 (2) Intentionally causes any injury, except as  
11 provided in subsection (a)(5), to any person or persons  
12 within such dwelling place, or

13 (3) While armed with a firearm uses force or threatens  
14 the imminent use of force upon any person or persons within  
15 such dwelling place whether or not injury occurs, or

16 (4) Uses force or threatens the imminent use of force  
17 upon any person or persons within such dwelling place  
18 whether or not injury occurs and during the commission of  
19 the offense personally discharges a firearm, or

20 (5) Personally discharges a firearm that proximately  
21 causes great bodily harm, permanent disability, permanent  
22 disfigurement, or death to another person within such  
23 dwelling place, or

24 (6) Commits, against any person or persons within that  
25 dwelling place, a violation of Section 12-13, 12-14,  
26 12-14.1, 12-15, or 12-16 of the Criminal Code of 1961.

1           (b) It is an affirmative defense to a charge of home  
2 invasion that the accused who knowingly enters the dwelling  
3 place of another and remains in such dwelling place until he or  
4 she knows or has reason to know that one or more persons is  
5 present either immediately leaves such premises or surrenders  
6 to the person or persons lawfully present therein without  
7 either attempting to cause or causing serious bodily injury to  
8 any person present therein.

9           (c) Sentence. Home invasion in violation of subsection  
10 (a) (1), (a) (2) or (a) (6) is a Class X felony. A violation of  
11 subsection (a) (3) is a Class X felony for which 15 years shall  
12 be added to the term of imprisonment imposed by the court. A  
13 violation of subsection (a) (4) is a Class X felony for which 20  
14 years shall be added to the term of imprisonment imposed by the  
15 court. A violation of subsection (a) (5) is a Class X felony for  
16 which 25 years or up to a term of natural life shall be added to  
17 the term of imprisonment imposed by the court.

18           (d) For purposes of this Section, "dwelling place of  
19 another" includes a dwelling place where the defendant  
20 maintains a tenancy interest but from which the defendant has  
21 been barred by a divorce decree, judgment of dissolution of  
22 marriage, order of protection, or other court order.

23           (Source: P.A. 90-787, eff. 8-14-98; 91-404, eff. 1-1-00;  
24 91-928, eff. 6-1-01.)

1           Sec. 19-3. Residential burglary.

2           (a) A person commits residential burglary who knowingly and  
3 without authority enters or knowingly and without authority  
4 remains within the dwelling place of another, or any part  
5 thereof, with the intent to commit therein a felony or theft.  
6 This offense includes the offense of burglary as defined in  
7 Section 19-1.

8           (a-5) If a person falsely represents himself or herself,  
9 including but not limited to falsely representing himself or  
10 herself to be a representative of any unit of government or a  
11 construction, telecommunications, or utility company, for the  
12 purpose of gaining entry to the dwelling place of another, it  
13 creates a rebuttable presumption that the entry was done with  
14 the intent to commit therein a felony or theft.

15           (b) Sentence. Residential burglary is a Class 1 felony.

16           (Source: P.A. 91-928, eff. 6-1-01.)".