

14.10

Issues In Burglary—Authorized Entry But Unauthorized Remaining Within

To sustain the charge of burglary within a[n] [(building) (house trailer) (watercraft) (aircraft) (railroad car) (motor vehicle) (school) (day care center) (day care home) (group day care home) (part day child care facility) (place of worship)] [or any part thereof], the State must prove the following propositions:

First Proposition: That the defendant knowingly entered a[n] [(building) (house trailer) (watercraft) (aircraft) (railroad car) (motor vehicle) (school) (day care center) (day care home) (group day care home) (part day child care facility) (place of worship)] [or any part thereof]; and

Second Proposition: That the defendant did so with authority; and

Third Proposition: That the defendant thereafter, without authority, knowingly remained within that [(building) (house trailer) (watercraft) (aircraft) (railroad car) (motor vehicle) (school) (day care center) (day care home) (group day care home) (part day child care facility) (place of worship)] [or any part thereof]; and

Fourth Proposition: That the defendant remained within that [(building) (house trailer) (watercraft) (aircraft) (railroad car) (motor vehicle) (school) (day care center) (day care home) (group day care home) (part day child care facility) (place of worship)] [or any part thereof] with the intent to commit therein the offense of _____.

If you find from your consideration of all the evidence that each one of these propositions has been proved beyond a reasonable doubt, you should find the defendant guilty.

If you find from your consideration of all the evidence that any one of these propositions has not been proved beyond a reasonable doubt, you should find the defendant not guilty.

Committee Note

720 ILCS 5/19-1 (West 2022).

Give Instruction 14.09.

Insert in the blank the intended offense (theft or the specified felony) alleged as the objective of the burglary. Give the definition instruction for that offense.

Use applicable bracketed material.

When accountability is an issue, ordinarily insert the phrase “or one for whose conduct he is legally responsible” after the word “defendant” in each proposition. See Instruction 5.03.