

18.07B
Definition of Armed Habitual Criminal

A person commits the offense of being an armed habitual criminal when he knowingly [(receives) (sells) (possesses) (transfers)] any firearm after having been convicted of [(the offenses of _____ and _____) (two qualifying offenses)].

Committee Note

720 ILCS 5/24-1.7 (West 2024).

Give Instruction 18.08B.

See Instruction 4.05.

Insert in the blanks the applicable predicate offenses. See 720 ILCS 5/24-1.7.

Use the phrase “two qualifying offenses” where the defendant has stipulated that he has been convicted of two qualifying offenses as provided by section 24-1.7 of the Criminal Code of 2012 (720 ILCS 5/24-1.7). *People v. Tolliver*, 2022 IL App (2d) 210080, 217 N.E.3d 353; *People v. Taylor*, 2022 IL App (5th) 180192 ¶ 38, 193 N.E.3d 864.

In *People v. Tolliver*, the court held that where a defendant was willing to stipulate that he had previously been convicted of two qualifying offenses under the armed habitual criminal statute, “the court was obligated to accept the stipulation because the evidentiary significance of the predicate convictions was the same as a stipulation, except one created a risk of undue prejudice and the other did not.” *Tolliver*, 2022 IL App (2d) 210090, ¶ 40.

In *People v. Ramirez*, 2023 Ill 128123 ¶22, the Illinois Supreme Court held that the elements of this offense include knowledge of a firearm.

Use applicable bracketed material when appropriate.

The brackets are present solely for the guidance of court and counsel and should not be included in the instruction submitted to the jury.