

## 24-25.07 Use Of Force In Defense Of Dwelling

A person is justified in the use of force when and to the extent that he reasonably believes that such conduct is necessary to [(prevent) (terminate)] another's unlawful [(entry into) (attack upon)] a dwelling.

[However, a person is justified in the use of force which is intended or likely to cause death or great bodily harm only if

[1] the entry is made or attempted in a violent, riotous, or tumultuous manner and he reasonably believes that such force is necessary to prevent an [(assault upon) (offer of personal violence to)] himself or another then in the dwelling.

[or]

[2] he reasonably believes that such force is necessary to prevent the commission of a felony in the dwelling.]

### Committee Note

720 ILCS 5/7-2, 7-14, and 3-2 (West, 1999) (formerly Ill.Rev.Stat. ch. 38, §§7-2, 7-14, and 3-2 (1991)).

Give Instruction 24-25.06A.

Give this instruction when the trial court has determined there is some evidence as to use of force in defense of a dwelling. See *People v. Kite*, 153 Ill.2d 40, 44-45, 605 N.E.2d 563, 565, 178 Ill.Dec. 769, 771 (1992); *People v. Everett*, 141 Ill.2d 147, 565 N.E.2d 1295, 152 Ill.Dec. 377 (1990).

Use the bracketed paragraph when there is some evidence that the force used by the defendant was likely to cause death or great bodily harm.

Use applicable paragraphs and bracketed material.

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