

23.40

Issues In Driving While Driver's License Is Suspended Or Revoked

To sustain the charge of driving while driver's license is [(suspended) (revoked)], the State must prove the following propositions:

First Proposition: That the defendant [(drove) (was in actual physical control of)] a motor vehicle on a highway [of this State]; and

Second Proposition: That at the time the defendant [(drove) (was in actual physical control of)] a motor vehicle, his [(driver's license) (driver's permit) (privilege to drive) (privilege to obtain a driver's license) (privilege to obtain a driver's permit)] was [(suspended) (revoked)] as provided by the Illinois Vehicle Code or the law of another state.

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

625 ILCS 5/6-303(a) (West 2024).

Give Instruction 23.39.

When actual physical control is an issue, give Instruction 23.43.

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.

When a question arises as to whether the vehicle is a “motor vehicle,” give Instruction 23.43B.