

18.06X
Issues In Aggravated Unlawful Possession Of A Weapon

To sustain the charge of aggravated unlawful possession of a weapon, the State must prove the following propositions:

[1] *First Proposition*: That the defendant knowingly carried a [(pistol) (revolver) (stun gun) (taser) (firearm)] [(on or about his person) (in any vehicle) (concealed on or about his person)] [(while wearing or possessing body armor)];

[or]

[2] *First Proposition*: That the defendant knowingly [(carried) (possessed)] on or about his person upon any [(public street) (alley) (public lands) within the corporate limits of (a city) (a village) (an incorporated town)];

and

[1] *Second Proposition*: That when the defendant did so, he was not [(on his land) (in his abode) (in his legal dwelling) (in his fixed place of business)] [(on the land) (in the legal dwelling) of another person as an invitee with that person's permission];

[or]

[2] *Second Proposition*: That when the defendant did so, he was not [(an invitee for the purpose of the display of such weapon or the lawful commerce in weapons) (on his land) (in his abode) (in his legal dwelling) (in his fixed place of business)] [(on the land) (in the legal dwelling) of another person as an invitee with that person's permission];

and

[A] *Third Proposition*: That the [(pistol) (revolver) (handgun)] was uncased, loaded, and immediately accessible at the time of the offense and the defendant has not been issued a currently valid license under the Firearm Concealed Carry Act.

[or]

[B] *Third Proposition*: That the firearm possessed was uncased, unloaded, and the ammunition for the weapon was immediately accessible at the time of the offense.

[or]

[C] *Third Proposition:* That the [(pistol) (revolver) (handgun)] was uncased, unloaded, and the ammunition for the weapon was immediately accessible at the time of the offense and the defendant had not been issued a currently valid license under the Firearm Concealed Carry Act.

[or]

[D] *Third Proposition:* That the defendant had not been issued a currently valid Firearm Owner's Identification Card at the time of the offense.

[or]

[E] *Third Proposition:* That the defendant was previously adjudicated a delinquent minor under the Juvenile Court Act of 1987 for an act that if committed by an adult would be a felony.

[or]

[F] *Third Proposition:* That the defendant committed the offense of _____.

[or]

[G] *Third Proposition:* That the defendant had an order of protection issued against him or her within the previous 2 years.

[or]

[H] *Third Proposition:* That the defendant was engaged in the [(commission) (attempted commission)] of _____.

[or]

[I] *Third Proposition:* That the defendant was under 21 years of age and not engaged in lawful activities unless the person under 21 is [(engaged in lawful activities under the Wildlife Code) (the member of any club or organization organized for the purpose of practicing shooting at targets upon established target ranges, whether public or private, while such members are using their firearms on those target ranges) (the patron of any club or organization organized for the purpose of practicing shooting at targets upon established target ranges, whether public or private, while such patrons are using their firearms on those target ranges) (a hunter, trapper or fisherman with a license or permit while engaged in hunting, trapping or fishing)].

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 5/24-1.6. P.A. 103-822, effective January 1, 2025, changed the name of this offense from “Aggravated Unlawful Use of a Weapon” to “Aggravated Unlawful Possession Of A Weapon”. Other than the name change, the elements for the offense remain the same.

Give Instruction 18.05X

The bracketed numbers and letters correspond to the alternatives of the same number and letter in Instruction 18.05X. Select the corresponding alternatives.

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

Use [B] for instances when the weapon at issue is a firearm other than a pistol, revolver or handgun, 720 ILCS 5/24-1.6(a)(3)(B).

When using [F] or [H], insert the name of alleged misdemeanor offense in the blank. Whether an offense is a misdemeanor or not is a question of law, and the jury need not be informed that the offense is a misdemeanor.

When the commission or the attempted commission of a misdemeanor is applicable, as in [F] and [H], the Committee determines that the jury needs to be instructed on the applicable offense and attempt doctrine. Insert the applicable misdemeanor in the blank space.

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. Give Instruction 5.03.