

18.26

Issues In Failure To Possess A Firearm Owner's Identification Card

To sustain the charge of failure to possess a firearm owner's identification card, the State must prove the following propositions:

First Proposition: That the defendant knowingly [(acquired) (possessed)] [(a firearm) (firearm ammunition)] within this State; and

Second Proposition: That the defendant at the time of his [(acquisition) (possession)] of the [(firearm) (firearm ammunition)] failed to have in his possession a firearm owner's identification card previously issued in his name by the Department of State Police.

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

430 ILCS 65/2(a) (West, 1999) (formerly Ill.Rev.Stat. ch. 38, §83-2(a)).

Give Instruction 18.25.

The fact that a defendant may own a firearm owner's identification card is irrelevant to the offense of possessing a firearm without having such card in his possession. See *People v. Cahill*, 37 Ill.App.3d 361, 345 N.E.2d 528 (2d Dist.1976); *People v. Elders*, 63 Ill.App.3d 554, 380 N.E.2d 10, 20 Ill.Dec. 333 (5th Dist.1978).

Section 65/2(a) excludes certain persons from the requirement of possessing a Firearms Owner's Identification Card. See Committee Note to Instruction 18.25, concerning which party bears the burden of proof on the issue.

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.