

14.13

Definition Of Residential Burglary – Unauthorized Entry

A person commits the offense of residential burglary when he knowingly and without authority enters the dwelling place of another [or any part thereof] with the intent to commit therein the offense of _____.

Committee Note

720 ILCS 5/19-3 (West 2022).

Give Instruction 14.14.

Give Instruction 4.03, defining the term “dwelling place”. In *People v. Donoho*, 245 Ill.App.3d 938, 942, 615 N.E.2d 805, 807 (2nd Dist. 1993), the court held that the trial court must give an instruction defining “dwelling” in residential burglary cases.

Give Instruction 11.53A when an issue arises regarding the defendant's criminal intent when he entered the dwelling and whether this intent, or lack thereof, makes his entry into the dwelling “with authority” or “without authority”. This “limited authority” doctrine applies to residential burglary by unauthorized entry. *United States v. Glispie*, 2020 IL 125483, ¶ 22, 181 N.E.3d 719, 725.

Insert in the blank the intended offense (theft or the specified felony) alleged as the objective of the burglary. Give the definition instruction for that offense.

Use applicable bracketed material.