

18.23X

Definition Of Possession Of A Defaced Firearm

A person commits the offense of possession of a defaced firearm when he knowingly possesses any firearm whose importer's or manufacturer's serial number he knows to have been [(changed) (altered) (removed) (obliterated).]

Committee Note

720 ILCS 5/24-5(b) (West 2023).

Give Instruction 18.24X.

People v. Ramirez, 2023 IL 128123 (holding that an implied mens rea of knowledge applies to both elements of the offense: possession and defacement); overruling *People v. Stanley*, 397 Ill. App. 3d 598, 921 N.E.2d 445 (1st Dist. 2009) (holding that knowledge only applied to the possessory component of the offense).

Use applicable bracketed material.

18.24X
Issues In Possession Of A Defaced Firearm

To sustain the charge of possession of a defaced firearm, the State must prove the following propositions:

First Proposition: That the defendant knowingly possessed a firearm; and

Second Proposition: That the [(importer's) (manufacturer's)] serial number on the firearm was [(changed) (altered) (removed) (obliterated)]; and

Third Proposition: That the defendant knew the [(importer's) (manufacturer's)] serial number on the firearm was [(changed) (altered) (removed) (obliterated)].

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 of these propositions has not been proved beyond a reasonable doubt, you should find the defendant not guilty.

Committee Note

720 ILCS 5/24-5(b) (West 2023)

Give Instruction 18.23X.

People v. Ramirez, 2023 IL 128123 (holding that an implied mens rea of knowledge applies to both elements of the offense: possession and defacement); overruling *People v. Stanley*, 397 Ill. App. 3d 598, 921 N.E.2d 445 (1st Dist. 2009) (holding that knowledge only applied to the possessory component of the offense).

Use applicable bracketed material.

18.24A
Interference Arising From Possession Of Altered Firearms

This instruction has been withdrawn.

Committee Note

In 2004, as to possession of a firearm, the legislature removed the following language from Section 24-5(b), “shall be prima facie evidence that the possessor has changed, altered, removed or obliterated the same”. See P.A. 93-906, effective August 11, 2004. Accordingly, no such inference exists.

See also *People v. Ramirez*, 2023 IL 128123 (holding that an implied mens rea of knowledge applies to both elements of the offense: possession and defacement); overruling *People v. Stanley*, 397 Ill. App. 3d 598, 921 N.E.2d 445 (1st Dist. 2009) (holding that knowledge only applied to the possessory component of the offense).