

11.06
Issue In Battery

To sustain the charge of battery, the State must prove the following proposition:

That the defendant [(knowingly) (intentionally)] [(caused bodily harm to) (made physical contact of an insulting or provoking nature with)] _____.

If you find from your consideration of all the evidence that this proposition has been proved beyond a reasonable doubt, you should find the defendant guilty.

If you find from your consideration of all the evidence that this proposition has not been proved beyond a reasonable doubt, you should find the defendant not guilty.

Committee Note

720 ILCS 5/12-3 (West, 1999) (formerly Ill.Rev.Stat. ch. 38, §12-3 (1991)).

Give Instruction 11.05.

Use the mental state that conforms to the allegation in the charge. *See People v. Grant*, 101 Ill.App.3d 43, 427 N.E.2d 810, 56 Ill.Dec. 478 (1st Dist.1981).

Whenever the jury is to be instructed on an affirmative defense, it is necessary to use the phrase “without legal justification” in Instruction 11.05 (see Committee Note to Instruction 11.05), and this instruction must be combined with the appropriate instructions from Chapter 24-25.00. Since the additional proposition or propositions that will thereby be included will require the jury to find that the defendant acted without legal justification, the Committee has concluded that the phrase “without legal justification” need not be used in this issues instruction.

Insert in the blank the name of the victim.

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.