

18.08B
Issues in Armed Habitual Criminal

To sustain the charge of armed habitual criminal, the State must prove the following propositions:

[1] *First Proposition*: that the defendant [(received) (sold) (possessed) (transferred)] any firearm;

and

[2] *Second Proposition*: that the defendant had previously been convicted of [(the offenses of _____ and _____) (two qualifying offenses)].

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 5/24-1.7 (West 2023).

Give Instruction 18.07B.

Give Instruction 3.13X, “Proof of Prior Convictions – Defendant – Admissibility”, when applicable.

Insert in the blanks the applicable predicate offenses. See 720 ILCS 5/24-1.7.

Use the phrase “two qualifying offenses” where the defendant has stipulated that he has been convicted of two qualifying offenses as provided by section 24-1.7 of the Criminal Code of 2012 (720 ILCS 5/24-1.7). *People v. Tolliver*, 2022 IL App (2d) 210080, _ N.E.3d _; *People v. Taylor*, 2022 IL App (5th) 180192 ¶ 38, 193 N.E.3d 864.

Use applicable bracketed material when appropriate.

The brackets and numbers are present solely for the guidance of court and counsel and should not be included in the instruction submitted to the jury.