

7.15B
Causation In Felony Murder Cases

Use For Cases Where The Offense Is Alleged To Have Occurred After June 30, 2021.

A person commits the offense of first degree murder when he commits the offense of _____, and the death of an individual results as a direct and foreseeable consequence of a chain of events set into motion by his commission of the offense of _____.

It is immaterial whether the killing is intentional or accidental [or committed by a confederate without the connivance of the defendant].

Committee Note

720 ILCS 5/9-1(a)(3) (West 2021), as amended by P.A. 101-0652, effective July 1, 2021.

The Committee does not take a position as to whether P.A. 101-0652 is retroactive.

Use this instruction when giving Instruction 7.01B bracket [4] and Instruction 7.02B bracket [4].

In *People v. Hudson*, 222 Ill.2d 392, 408, 856 N.E.2d 1078 (2006), the supreme court set out the above definition of causation in felony murder cases in any situation where the defendant did not perform the acts which caused the death of the deceased. See also *People v. Lowery*, 178 Ill.2d 462, 467, 687 N.E.2d 973 (1997). With the amendment of 720 ILCS 5/9-1(a)(3) by P.A. 101-0652, a defendant may no longer be liable for murder where one resisting the crime causes the death of defendant's co-felon. 720 ILCS 5/9-1(a)(3). This amendment is a legislative rejection of the holdings of *Hudson* and *Lowery*, restricting proximate cause to only those instances where the defendant or his co-felons cause the death of a person during the commission of a forcible felony.

When causation is an issue under section 720 ILCS 5/9-1(a)(1) (intentional murder), 720 ILCS 5/9-1(a)(2) (knowing murder) or 720 ILCS 5/9-3(a) (reckless homicide) as well as felony murder then Instruction 7.15 should also be given.

For the definition of "proximate cause" in aggravated driving under the influence cases, see Instruction 23.28A.

For the definition of "proximate cause" in all other cases, see Instruction 4.24.

Insert in the blanks the applicable forcible felony.

Where the defendant causes the killing, the sentence in the second paragraph should stop after the word "accidental." See, e.g., *People v. Brackett*, 117 Ill.2d 170, 510 N.E.2d 877 (1987).