

HB1099



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB1099

Introduced 2/17/2021, by Rep. Emanuel Chris Welch

SYNOPSIS AS INTRODUCED:

720 ILCS 5/7-2

from Ch. 38, par. 7-2

Amends the Criminal Code of 2012. Makes a technical change in a Section concerning justification in the use of force against another person in defense of a dwelling.

LRB102 03113 RLC 13126 b

A BILL FOR

1 AN ACT concerning criminal law.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Criminal Code of 2012 is amended by
5 changing Section 7-2 as follows:

6 (720 ILCS 5/7-2) (from Ch. 38, par. 7-2)

7 Sec. 7-2. Use of force in defense of dwelling.

8 (a) A person is justified in the ~~the~~ use of force against
9 another when and to the extent that he reasonably believes
10 that such conduct is necessary to prevent or terminate such
11 other's unlawful entry into or attack upon a dwelling.
12 However, he is justified in the use of force which is intended
13 or likely to cause death or great bodily harm only if:

14 (1) The entry is made or attempted in a violent,
15 riotous, or tumultuous manner, and he reasonably believes
16 that such force is necessary to prevent an assault upon,
17 or offer of personal violence to, him or another then in
18 the dwelling, or

19 (2) He reasonably believes that such force is
20 necessary to prevent the commission of a felony in the
21 dwelling.

22 (b) In no case shall any act involving the use of force
23 justified under this Section give rise to any claim or

1 liability brought by or on behalf of any person acting within
2 the definition of "aggressor" set forth in Section 7-4 of this
3 Article, or the estate, spouse, or other family member of such
4 a person, against the person or estate of the person using such
5 justified force, unless the use of force involves willful or
6 wanton misconduct.

7 (Source: P.A. 93-832, eff. 7-28-04.)