

# HB3534



## 103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

**HB3534**

Introduced 2/17/2023, by Rep. Jay Hoffman

### SYNOPSIS AS INTRODUCED:

720 ILCS 5/5-2

from Ch. 38, par. 5-2

Amends the Criminal Code of 2012. Provides that a person is legally accountable for the conduct of another when, acting as an aggressor as provided in the Code, he or she causes another to use force in defense of himself or another and that use of force is the proximate cause of injury to a third party.

LRB103 28376 RLC 54756 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 5-2 as follows:

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

7 Sec. 5-2. When accountability exists. A person is legally  
8 accountable for the conduct of another when:

9 (a) having a mental state described by the statute  
10 defining the offense, he or she causes another to perform  
11 the conduct, and the other person in fact or by reason of  
12 legal incapacity lacks such a mental state;

13 (b) the statute defining the offense makes him or her  
14 so accountable; ~~or~~

15 (c) either before or during the commission of an  
16 offense, and with the intent to promote or facilitate that  
17 commission, he or she solicits, aids, abets, agrees, or  
18 attempts to aid that other person in the planning or  
19 commission of the offense; or.

20 (d) acting as an aggressor as provided in Section 7-4,  
21 he or she causes another to use force in defense of himself  
22 or another under Section 7-1 and that use of force is the  
23 proximate cause of injury to a third party.

1           When 2 or more persons engage in a common criminal design  
2 or agreement, any acts in the furtherance of that common  
3 design committed by one party are considered to be the acts of  
4 all parties to the common design or agreement and all are  
5 equally responsible for the consequences of those further  
6 acts. Mere presence at the scene of a crime does not render a  
7 person accountable for an offense; a person's presence at the  
8 scene of a crime, however, may be considered with other  
9 circumstances by the trier of fact when determining  
10 accountability.

11           A person is not so accountable, however, unless the  
12 statute defining the offense provides otherwise, if:

13                   (1) he or she is a victim of the offense committed;

14                   (2) the offense is so defined that his or her conduct  
15 was inevitably incident to its commission; or

16                   (3) before the commission of the offense, he or she  
17 terminates his or her effort to promote or facilitate that  
18 commission and does one of the following: (i) wholly  
19 deprives his or her prior efforts of effectiveness in that  
20 commission, (ii) gives timely warning to the proper law  
21 enforcement authorities, or (iii) otherwise makes proper  
22 effort to prevent the commission of the offense.

23           (Source: P.A. 96-710, eff. 1-1-10.)