

1 AMENDMENT TO HOUSE BILL 1789

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 1789 as follows:

3 by replacing everything after the enacting clause with the  
4 following:

5 "Section 5. The Criminal Code of 1961 is amended by  
6 changing Sections 4-9 and 5-2 as follows:

7 (720 ILCS 5/4-9) (from Ch. 38, par. 4-9)

8 Sec. 4-9. Absolute liability.

9 A person may be guilty of an offense without having, as  
10 to each element thereof, one of the mental states described  
11 in Sections 4--4 through 4--7 if the offense is a misdemeanor  
12 which is not punishable by incarceration or by a fine  
13 exceeding \$500, or the statute defining the offense or  
14 defining the mental state under this Article or the  
15 conditions of accountability under Article 5 of this Code  
16 clearly indicates a legislative purpose to impose absolute  
17 liability for the conduct described.

18 (Source: Laws 1961, p. 1983.)

19 (720 ILCS 5/5-2) (from Ch. 38, par. 5-2)

20 Sec. 5-2. When accountability exists.

1        (A) A person is legally accountable for the conduct of  
2 another when:

3        (a) Having a mental state described by the statute  
4 defining the offense, he causes another to perform the  
5 conduct, and the other person in fact or by reason of legal  
6 incapacity lacks such a mental state; or

7        (b) The statute defining the offense makes him so  
8 accountable; or

9        (c) Either before or during the commission of an  
10 offense, and with the intent to promote or facilitate such  
11 commission, he solicits, aids, abets, agrees or attempts to  
12 aid, such other person in the planning or commission of the  
13 offense. However, a person is not so accountable, unless the  
14 statute defining the offense provides otherwise, if:

15            (1) He is a victim of the offense committed; or

16            (2) The offense is so defined that his conduct was  
17 inevitably incident to its commission; or

18            (3) Before the commission of the offense, he  
19 terminates his effort to promote or facilitate such  
20 commission, and does one of the following: wholly deprives  
21 his prior efforts of effectiveness in such commission, or  
22 gives timely warning to the proper law enforcement  
23 authorities, or otherwise makes proper effort to prevent the  
24 commission of the offense.

25        (B) A person is legally accountable under Section 4-9 of  
26 this Code for the conduct of another when: (1) he or she  
27 sells, gives, or transfers a firearm to another person in  
28 violation of subsection (a) of Section 3 of the Firearm  
29 Owners Identification Card Act, in violation of subsection  
30 (a)(7) of Section 24-1 of this Code, or in violation of  
31 Section 24-3 or 24-3A of this Code; and (2) the other person  
32 uses that firearm in the commission of any offense within one  
33 year from the date of the sale, gift, or transfer of the  
34 firearm to that other person.

1 (Source: Laws 1961, p. 1983.)".