

625 ILCS 5/ 4-102(a)(1)

UNLAWFUL DAMAGE OF A VEHICLE

In violation of SECTION 4-102(a)(1) of ACT 5 of CHAPTER 625 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), without authority to do so, knowingly¹ damaged² a vehicle³ belonging to Don Smith, a 2012 Chevrolet Corvair bearing 2012 Illinois registration XYA-777, in that said defendant struck the vehicle with a baseball bat.

¹or intentionally or recklessly; ²or removed any part of a vehicle; ³or any motor vehicle or other vehicle

NOTE: See Page Appendix B for discussion of necessity of alleging mental state.

CHARGING NOTE: Any person convicted of a second or subsequent offense under this Act is guilty of a Class 4 felony. The charging instrument must state prior conviction. See Appendix A for discussion.

CAVEAT: This subsection was tested in the case of In Re K.C., 239 Ill. Dec. 572 (1999). It was found to be an absolute liability offense requiring no mental state and as a result of this finding, the Illinois Supreme Court declared this subsection to be unconstitutional.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: Created - P.A. 76-1586 (July 1, 1970); Amended - P.A.s 78-858, 81-932, 83-1473, 84-1302, 84-1304, and 86-1209.

CHARGE: Misdemeanor (Class A)

BOND: \$1,500

625 ILCS 5/ 4-102(a)(2)

UNLAWFUL TRESPASS TO A VEHICLE

In violation of SECTION 4-102(a)(2) of ACT 5 of CHAPTER 625 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), without authority to do so, entered¹ a vehicle,² a 2012 Chevrolet Volvo bearing 2012 Illinois registration MST-777, belonging to Don Smith.

¹or tampered with, or went upon or worked or attempted to work any of its parts, or did set or attempted to set in motion; ²any motor vehicle or other vehicle

CHARGING NOTE: Any person convicted of a second or subsequent offense under this Act is guilty of a Class 4 felony. The charging instrument must state prior conviction. See Appendix A for discussion.

CAVEAT: This subsection was tested in the case of In Re K.C., 239 Ill. Dec. 572 (1999). It was found to be an absolute liability offense requiring no mental state and as a result of this finding, the Illinois Supreme Court declared this subsection to be unconstitutional.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

CHARGE: Misdemeanor (Class A)

BOND: \$1,500

625 ILCS 5/ 4-102(a)(3)

FAILURE TO REPORT AN UNCLAIMED VEHICLE

In violation of SECTION 4-201(a)(3) of ACT 5 of CHAPTER 625 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), an operator of a place of business for garaging within the corporate limits of Union City, Illinois, knowingly¹ failed to report a 2012 Chevrolet Volvo with an Illinois registration number of CHT-777 as unclaimed to the Union City Police Department² in accordance with Section 4-107(c) of the Illinois Vehicle Code after the said vehicle had remained unclaimed for a period of 15 days.

¹or intentionally or recklessly; ²to the municipal police when the vehicle is within the corporate limits of any City, Village or incorporated Town, or the County Sheriff, or State Police when the vehicle is outside the corporate limits of a City, Village, or an incorporated Town

NOTE: See Appendix B for discussion of necessity of alleging mental state.

CHARGING NOTE: Any person convicted of a second or subsequent offense under this Act is guilty of a Class 4 felony. The charging instrument must state prior conviction. See Appendix A for discussion.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

CHARGE: Misdemeanor (Class A)

BOND: \$1,500

625 ILCS 5/ 4-103(a)(1)

UNLAWFUL POSSESSION¹ OF STOLEN² VEHICLE

In violation of SECTION 4-103(a)(1) of ACT 5 of CHAPTER 625 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), a person not entitled to possession of said vehicle, possessed¹ a 2012 Ford Falcon² with an Illinois registration number of SSS-777, knowing it to have been stolen.³

¹or received, concealed, sold, disposed of, or transferred; ²or an essential part of a vehicle; ³or converted

NOTE: It may be inferred that a person exercising exclusive unexplained possession over a stolen or converted vehicle or an essential part of a stolen or converted vehicle has knowledge that such vehicle or essential part is stolen or converted, regardless of whether the date on which such vehicle or essential part was stolen is recent or remote.

NOTE: The offenses set forth in this subsection shall not include the offenses set forth in Section 4-103.2 of the Vehicle Code.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: Created - P.A. 76-1586 (July 1, 1970); Amended - P.A.s 78-858, 81-932, 83-830, 83-1473, 85-572, 86-1209, 90-89, 91-450 and 93-456.

CHARGE: Felony (Class 2)

BOND: Must be Set by Judge

625 ILCS 5/ 4-103(a)(2)

UNLAWFUL DEFACING OF A MANUFACTURER'S IDENTIFICATION NUMBER²

In violation of SECTION 4-103(a)(2) of ACT 5 of CHAPTER 625 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), knowingly defaced¹ a manufacturer's identification number² on a 2012 Ford Falcon with an Illinois registration number of DDD-777.

¹or removed, altered, destroyed, falsified or forged; ²or an engine number of any essential part thereof having an identification number

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

CHARGE: Felony (Class 2)

BOND: Must be Set by Judge

625 ILCS 5/ 4-103(a)(3)

UNLAWFUL CONCEALMENT¹ OF VEHICLE IDENTITY

In violation of SECTION 4-103(a)(3) of ACT 5 of CHAPTER 625 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), knowingly concealed² the identity of a 2012 Ford Falcon with an Illinois registration number of AAA-777.³

¹or misrepresentation; ²or misrepresented; ³or any essential part thereof

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

CHARGE: Felony (Class 2)

BOND: Must be Set by Judge

625 ILCS 5/ 4-103(a)(4)

UNLAWFUL POSSESSION OF A VEHICLE WITH A FALSIFIED¹ VEHICLE IDENTIFICATION NUMBER

In violation of SECTION 4-103(a)(4) of ACT 5 of CHAPTER 625 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), possessed² a 2012 Ford Falcon with an Illinois registration number of AAA-777³ with knowledge that the identification number of that vehicle had been falsified.¹

¹or removed; ²or bought, received, sold or disposed of; ³or any vehicle or essential part thereof

NOTE: In People v. DePalma (1994), 194 Ill. Dec. 594, the Fourth Appellate District construed "knowledge" in this offense to be criminal knowledge which it defined as "knowledge with an intent to defraud or commit a crime." The IPI has included this language within the new IPI Criminal 23.37.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

CHARGE: Felony (Class 2)

BOND: Must be Set by Judge

625 ILCS 5/ 4-103(a)(5)

UNLAWFUL POSSESSION OF A MANUFACTURER'S IDENTIFICATION NUMBER PLATE³

In violation of SECTION 4-103(a)(5) of ACT 5 of CHAPTER 625 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), knowingly possessed¹ a manufacturer's identification number plate² which had been removed from³ the vehicle upon which it had been originally attached.⁴

¹or bought, sold, exchanged, gave away, or offered to buy, sell, exchange or give away; ²or mylar sticker, federal certificate label, State Police reassignment plate, Secretary of State assigned plate, rosette rivet, or facsimile of such; ³or which had not yet been attached to; ⁴or assigned

NOTE: It is an affirmative defense to subsection (a) of this Section that the person possessing, buying, selling or exchanging a plate mylar sticker or label described in this paragraph is a police officer doing so as part of his official duties, or is a manufacturer's authorized representative who is replacing any manufacturer's identification number plate, mylar sticker or Federal certificate label originally placed on the vehicle by the manufacturer of the vehicle or any essential part thereof.

NOTE: A person engaged in the repair or servicing of vehicles does not violate this Chapter by knowingly possessing a manufacturer's identification number plate for the purpose of reaffixing it on the same damaged vehicle from which it was originally taken, if the person reaffixes or intends to reaffix the original manufacturer's identification number plate in place of the identification number plate affixed on a new dashboard that has been or will be installed in the vehicle. The person must notify the Secretary of State each time the original manufacturer's identification number plate is reaffixed on a vehicle. The person must keep a record indicating that the identification number plate affixed on the new dashboard has been removed and has been replaced by the manufacturer's identification number plate originally affixed on the vehicle. The person also must keep a record regarding the status and location of the identification number plate removed from the replacement dashboard.

NOTE: When possession is the essence of the offense, knowledge is the mental state that must be alleged. People v. Smith (1960), 20 Ill. 2d 345 and People v. Farmer (1995), 165 Ill. 2d 194.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

CHARGE: Felony (Class 2)

BOND: Must be Set by Judge

625 ILCS 5/ 4-103(a)(6)

FALSE REPORT OF A VEHICLE THEFT¹

In violation of SECTION 4-103(a)(6) of ACT 5 of CHAPTER 625 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), knowingly made a false report of the theft² of a 2012 Ford Falcon with a 2012 Illinois registration number of AAA-777 to Sam Smith, a Union City Police Officer.³

¹or conversion; ²or to any police officer in the State of Illinois; ³or any employee of a law enforcement agency of this State designated by the law enforcement agency to take, receive, process, or record reports of vehicle theft or conversion.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

CASE AUTHORITY: This subsection withstands a constitutional attack in People v. Libberton, 346 Ill. App. 3d 912 (2nd Dist., No. 2-02-0075, October 20, 2003).

CHARGE: Felony (Class 2)

BOND: Must be Set by Judge

625 ILCS 5/ 4-103.1(a)

VEHICLE THEFT CONSPIRACY

In violation of SECTION 4-103.1(a) of ACT 5 of CHAPTER 625 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), with the intent to violate Section 4-103(a)(2) of the Illinois Vehicle Code,¹ agreed with Sam Smith to remove a manufacturer's identification number from a 2012 Ford Falcon with an Illinois registration number of AAA-777.²

¹or any other subsection of Section 4-103; ²or do any other act which violates Section 4-103

CHARGING NOTE: Vehicle theft conspiracy to violate Section 4-103.2 of this Code is a Class 1 felony. See the Sentencing Guide.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: Created - P.A. 83-830 (September 24, 1983); Amended - P.A. 83-1473 and 86-1209.

CHARGE: Felony (Class 2)

BOND: Must be Set by Judge

625 ILCS 5/ 4-103.2(a)(1)

AGGRAVATED UNLAWFUL POSSESSION¹ OF STOLEN⁵ VEHICLES

In violation of SECTION 4-103.2(a)(1) of ACT 5 of CHAPTER 625 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), a person not entitled to the possession of three 2012 Ford Falcons with the identification numbers of (list the VINs of the vehicles)² possessed³ those vehicles² at the same time⁴ knowing that those vehicles² were stolen.⁵

¹or receipt, concealment, sale, disposal or transfer; ²or any three or more vehicles, three or more essential parts of different vehicles, or a combination thereof; ³or received, concealed, sold, disposed of or transferred; ⁴or within a one-year period; ⁵or converted

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: Created - P.A. 86-1209 (January 1, 1992). Amended: P. A. 93-456.

CHARGE: Felony (Class 1)

BOND: Must be Set by Judge

625 ILCS 5/ 4-103.2(a)(2)

AGGRAVATED UNLAWFUL PURCHASE¹ OF VEHICLES WITH FALSIFIED⁵ VEHICLE IDENTIFICATION NUMBER

In violation of SECTION 4-103.2(a)(2) of ACT 5 of CHAPTER 625 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), bought² three 2012 Ford Falcons with the vehicle identification numbers of (List the VINs of the motor vehicles)³ at the same time⁴ knowing that the identification numbers of those vehicles³ had been falsified.⁵

¹or receipt, possession, sale or disposal; ²or received, possessed, sold or disposed of; ³or any three or more vehicles, three or more essential parts of different vehicles, or a combination thereof; ⁴or within a one-year period; ⁵or removed

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

CHARGE: Felony (Class 1)

BOND: Must be Set by Judge

625 ILCS 5/ 4-103.2(a)(3)

AGGRAVATED UNLAWFUL POSSESSION¹ OF A VEHICLE

In violation of SECTION 4-103.2(a)(3) of ACT 5 of CHAPTER 625 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), a person not entitled to the possession of a 2012 Ford Falcon with a vehicle identification number of (list the VIN of the vehicle) and having a value of \$25,000 or greater² possessed³ that vehicle knowing that that vehicle was stolen.⁴

¹or receipt, concealment, sale, disposal or transfer; ²or any vehicle having a value of \$25,000 or greater; ³or received, concealed, sold, disposed of or transferred; ⁴or converted

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

CHARGE: Felony (Class 1)

BOND: Must be Set by Judge

625 ILCS 5/ 4-103.2(a)(4)

AGGRAVATED UNLAWFUL POSSESSION¹ OF MANUFACTURER'S IDENTIFICATION NUMBER PLATES

In violation of SECTION 4-103.2(a)(4) of ACT 5 of CHAPTER 625 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), knowingly possessed² at the same time³ three manufacturer's identification number plates having the manufacturer's identification number of (list the numbers)⁴ which had not yet been attached to⁵ an original⁶ vehicle.⁷

¹or purchase, sale, exchange or gift; ²or bought, sold, exchanged or gave away; ³or within a one-year period; ⁴or any three or more manufacturer's identification number plates, Mylar stickers, federal certificate labels, State Police reassignment plates, Secretary of State assignment plates, or a facsimile of those items or a combination thereof; ⁵or which had been removed from; ⁶or an assigned; ⁷or any essential part of a vehicle

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

CHARGE: Felony (Class 1)

BOND: Must be Set by Judge

625 ILCS 5/ 4-103.2(a)(5)

AGGRAVATED UNLAWFUL POSSESSION¹ OF TOW TRUCK²

In violation of SECTION 4-103.2(a)(5) of ACT 5 of CHAPTER 625 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, **(defendant's name)**, a person not entitled to the possession of a tow truck with a vehicle identification number of (list the VIN of the tow truck)² possessed³ that tow truck² knowing it to have been stolen.⁴

¹or receipt, concealment, sale, disposal or transfer; ²or any second division vehicle, semitrailer, farm tractor, tow truck, rescue squad vehicle, medical transport vehicle, fire engine, special mobile equipment, dump truck, truck mounted transit mixer, crane or the engine, transmission, cab, cab clip or vehicle cowl of any of the above vehicles; ³or received, concealed, sold, disposed of or transferred; ⁴or converted

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

WARNING: The inference of knowledge that special mobile equipment was stolen based upon the exclusive unexplained possession of that equipment is struck down in People v. Greco, 204 Ill. 2d 400, 790 N. E. 2d 846, 274 Ill. Dec. 73 (Ill. Sup. Ct., No. 89940, May 8, 2003)

CHARGE: Felony (Class 1)

BOND: Must be Set by Judge

625 ILCS 5/ 4-103.2(a)(6)

AGGRAVATED UNLAWFUL POSSESSION¹ OF STOLEN POLICE VEHICLE²

In violation of SECTION 4-103.2(a)(6) of ACT 5 of CHAPTER 625 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, **(defendant's name)**, a person not entitled to the possession of a Union City Police vehicle with a vehicle identification number of (list the VIN of the vehicle)² possessed³ that vehicle² knowing that it was the property of the Union City Police Department and knowing that it was stolen.⁴

¹or receipt, concealment, sale, disposal or transfer; ²or any vehicle which is owned or operated by a law enforcement agency; ³or received, concealed, sold, disposed of or transferred; ⁴or converted

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

CHARGE: Felony (Class 1)

BOND: Must be Set by Judge

625 ILCS 5/ 4-103.2(a)(7)(A)

AGGRAVATED UNLAWFUL POSSESSION OF A STOLEN MOTOR VEHICLE

In violation of SECTION 4-103.2(a)(7)(A) of ACT 5 of CHAPTER 625 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), a person who was the driver¹ of a 2012 Ford Falcon with a vehicle identification number of (list the VIN of the vehicle)² and who was not entitled to the possession of that vehicle and who knew that the vehicle was stolen,³ willfully failed⁴ to obey the direction of a peace officer who had signaled said defendant to bring said vehicle to a stop.⁵

¹or operator; ²or any vehicle; ³or converted; ⁴or refused; ⁵or increased his speed, extinguished his lights or otherwise fled or attempted to elude the officer

NOTE: This subsection was originally entitled "Aggravated Unlawful Failure to Obey an Order to Stop." However, it has been pointed out that the IPIs list this offense under the general category of Aggravated Unlawful Possession of a Stolen or Converted Motor Vehicle. This has caused some problems and the title of this subsection was amended to remedy those problems.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

CHARGE: Felony (Class 1)

BOND: Must be Set by Judge

625 ILCS 5/ 4-103.2(a)(7)(B)

AGGRAVATED UNLAWFUL POSSESSION OF A STOLEN MOTOR VEHICLE

In violation of SECTION 4-103.2(a)(7)(B) of ACT 5 of CHAPTER 625 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), who was the driver¹ of a vehicle being used to transport² a 2012 Ford Falcon with the vehicle identification number of (list the VIN of the vehicle)³ and was not entitled to the possession of the Ford Falcon and who knew that that Ford Falcon was stolen⁴ willfully refused⁵ to obey the direction of a peace officer who had signaled said defendant to bring his vehicle to a stop.⁶

¹or operator; ²or haul; ³or any vehicle or essential part of a vehicle; ⁴or converted; ⁵or failed; ⁶or increased his speed, extinguished his lights or otherwise fled or attempted to elude the officer

NOTE: This subsection was originally entitled "Aggravated Unlawful Failure to Obey an Order to Stop." However, it has been pointed out that the IPIs list this offense under the general category of Aggravated Unlawful Possession of a Stolen or Converted Motor Vehicle. This has caused some problems and the title of this subsection was amended to remedy those problems.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

CHARGE: Felony (Class 1)

BOND: Must be Set by Judge

625 ILCS 5/ 4-103.2(a)(8)

AGGRAVATED UNLAWFUL FALSE REPORT OF STOLEN VEHICLES

In violation of SECTION 4-103.2(a)(8) of ACT 5 of CHAPTER 625 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), at the same time¹ made a false report of the theft² of three³ vehicles to Sam Smith, a member of the Union City Police Department⁴ in that said defendant (describe the false report).

¹or over a one-year period; ²or a conversion; ³any three or more vehicles; ⁴or any police officer or police officers in Illinois

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

CHARGE: Felony (Class 1)

BOND: Must be Set by Judge

625 ILCS 5/ 4-103.3(a)

ORGANIZER OF AN AGGRAVATED VEHICLE THEFT CONSPIRACY

In violation of SECTION 4-103.3(a) of ACT 5 of CHAPTER 625 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), intentionally violated Section 4-103.2(a)(8)¹ of the Illinois Vehicle Code with the agreement of Jim Adams, Sam Brown and William Cliff² in that the defendant falsely reported the theft of three vehicles to the Union Police Department³ and said defendant was known by Jim Adams, Sam Brown and William Cliff⁴ as the leader⁵ of the conspiracy.

¹or any violation of Section 4-103.2; ²the agreement must be with three or more persons; ³or allege facts that show a violation of Section 4-103.2; ⁴he must be known by "other" co-conspirators; ⁵or the organizer, supervisor or financier

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: Created - P.A. 86-1209 (January 1, 1991).

CHARGE: Felony (Class X)

BOND: Must be Set by Judge

625 ILCS 5/ 4-104(a)(1)

UNLAWFUL POSSESSION OF ILLINOIS VEHICLE REGISTRATION STICKER¹

In violation of SECTION 4-104(a)(1) of ACT 5 of CHAPTER 625 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), without authority, knowingly possessed an Illinois vehicle registration sticker.¹

¹or a manufacturer's statement of origin, certificate of title, salvage certificate, junking certificate, display certificate of title, registration card, license plate, or temporary registration permit, whether blank or otherwise

NOTE: When possession is the essence of the offense, knowledge is the mental state that must be alleged. People v. Smith (1960), 20 Ill. 2d 345 and People v. Farmer (1995), 165 Ill. 2d 194.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: Created - P.A. 76-1586 (July 1, 1970); Amended - P.A. 78-858, 80-230, 81-932, 83-1473, 87-854, 87-1225 and 88-45.

CHARGE: Felony (Class 4)

BOND: Must be Set by Judge

625 ILCS 5/ 4-104(a)(2)

UNLAWFUL POSSESSION OF SALVAGE CERTIFICATE¹ WITHOUT COMPLETE ASSIGNMENT

In violation of SECTION 4-104(a)(2) of ACT 5 of CHAPTER 625 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), knowingly possessed a salvage certificate¹ to a 2012 Chevrolet Nova with an Illinois registration number of XXX-123 without a complete assignment.

¹or a manufacturer's certificate of origin, a junking certificate, a certificate of title, or a display certificate

NOTE: When possession is the essence of the offense, knowledge is the mental state that must be alleged. People v. Smith (1960), 20 Ill. 2d 345 and People v. Farmer (1995), 165 Ill. 2d 194.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

CHARGE: Felony (Class 4)

BOND: Must be Set by Judge

625 ILCS 5/ 4-104(a)(3)

UNLAWFUL POSSESSION OF STOLEN² CERTIFICATE OF TITLE¹

In violation of SECTION 4-104(a)(3) of ACT 5 of CHAPTER 625 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), possessed a certificate of title¹ to a 2012 Chevrolet Nova with an Illinois registration number of XXX-123 knowing it to have been stolen.²

¹or a manufacturer's statement of origin, salvage certificate, junking certificate, display certificate, temporary registration permit, registration card, license plate, or registration sticker; ²or converted, altered, forged or counterfeited

NOTE: For offenses involving unlawful display of title or registration see Section 4-104(a)(4) of this Code.

NOTE: For offenses involving unlawful use or possession by another of title or registration see Section 4-104(a)(5) of this Code.

NOTE: For offenses involving the unlawful failure to mail or deliver titles or registration see Section 4-104(a)(6) of this Code.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

CHARGE: Felony (Class 2)

BOND: Must be Set by Judge

625 ILCS 5/ 4-105(a)(1)

UNLAWFUL ALTERING OF A CERTIFICATE OF TITLE³

In violation of SECTION 4-105(a)(1) of ACT 5 of CHAPTER 625 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), knowingly¹ altered² a certificate of title³ concerning a 2012 Chevrolet Nova with an Illinois registration number of XXX-123.

¹or intentionally or recklessly; ²or forged or counterfeited; ³or a manufacturer's statement of origin, salvage certificate, junking certificate, display certificate, registration sticker, registration card, or temporary registration permit

NOTE: See Appendix B for discussion of necessity of alleging mental state.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: Created - P.A. 76-1586 (July 1, 1970); Amended - P.A.s 78-858, 80-230, 81-932, 82-131, 83-1473 and 84-986.

CHARGE: Felony (Class 2)

BOND: Must be Set by Judge

625 ILCS 5/ 4-105(a)(2)

UNLAWFUL ALTERING OF ASSIGNMENT OF A SALVAGE CERTIFICATE³

In violation of SECTION 4-105(a)(2) of ACT 5 of CHAPTER 625 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), knowingly¹ altered² an assignment of a salvage certificate³ concerning a 2008 Chevrolet Nova with an Illinois registration number of XXX-123.

¹or intentionally or recklessly; ²or forged or counterfeited; ³or a manufacturer's statement of origin, certificate of title, or junking certificate

NOTE: See Appendix B for discussion of necessity of alleging mental state.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

CHARGE: Felony (Class 2)

BOND: Must be Set by Judge

625 ILCS 5/ 4-105(a)(3)

UNLAWFUL ALTERING OF A RELEASE OF A SECURITY INTEREST ON A CERTIFICATE OF TITLE³

In violation of SECTION 4-105(a)(3) of ACT 5 of CHAPTER 625 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), knowingly¹ altered² a release of a security interest held by the First National Bank of Union City, Illinois, on the certificate of title³ concerning a 2012 Chevrolet Nova with an Illinois registration number of XXX-123.

¹or intentionally or recklessly; ²or forged or counterfeited; ³or a manufacturer's statement of origin, salvage certificate, or junking certificate

NOTE: See Appendix B for discussion of necessity of alleging mental state.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

CHARGE: Felony (Class 2)

BOND: Must be Set by Judge

625 ILCS 5/ 4-105(a)(4)

UNLAWFUL ALTERING OF APPLICATION FOR
SALVAGE CERTIFICATE³

In violation of SECTION 4-105(a)(4) of ACT 5 of CHAPTER 625 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant’s name), knowingly¹ altered² an application for a salvage certificate³ concerning a 2012 Chevrolet Nova with an Illinois registration number of XXX-123.

¹or intentionally or recklessly; ²or forged or counterfeited; ³or a certificate of title, junking certificate, display certificate, registration sticker, registration card, temporary registration permit or license plate

NOTE: See Appendix B for discussion of necessity of alleging mental state.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

CHARGE: Felony (Class 2)

BOND: Must be Set by Judge

625 ILCS 5/ 4-105(a)(5)

UNLAWFUL USE OF FALSE¹ NAME ON APPLICATION FOR
SALVAGE CERTIFICATE³

In violation of SECTION 4-105(a)(5) of ACT 5 of CHAPTER 625 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant’s name), knowingly used a false¹ name² on an application for a salvage certificate³ concerning a 2012 Chevrolet Nova with an Illinois registration number of XXX-123.

¹or fictitious; ²or address, or used an altered, forged, counterfeited or stolen manufacturer's number, or made a material false statement, or failed to disclose a security interest, or concealed any other material fact or committed any other fraud in connection with the application; ³or a manufacturer's statement of origin, certificate of title, junking certificate, registration card, license plate, temporary registration permit, or registration sticker

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

CHARGE: Felony (Class 2)

BOND: Must be Set by Judge

625 ILCS 5/ 4-105(a)(6)

UNLAWFUL POSSESSION OF A BLANK ILLINOIS CERTIFICATE
OF TITLE PAPER

In violation of SECTION 4-105(a)(6) of ACT 5 of CHAPTER 625 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), without authority, knowingly possessed a blank Illinois certificate of title paper.

NOTE: When possession is the essence of the offense, knowledge is the mental state that must be alleged. People v. Smith (1960), 20 Ill. 2d 345 and People v. Farmer (1995), 165 Ill. 2d 194.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

CHARGE: Felony (Class 2)

BOND: Must be Set by Judge

625 ILCS 5/ 4-105(a)(7)

UNLAWFUL SURRENDER OF CERTIFICATE OF TITLE¹

In violation of SECTION 4-105(a)(7) of ACT 5 of CHAPTER 625 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), knowingly,² surrendered³ an Illinois certificate of title¹ to the State of Iowa⁴ in exchange for an Iowa certificate of title¹ for the purpose of deleting⁵ a "REBUILT" notation⁶ which was on the Illinois certificate of title.

¹or salvage certificate or junking certificate; ²or intentionally or recklessly; ³caused to be surrendered; ⁴or any other state or foreign jurisdiction; ⁵or changing; ⁶or an "S.V." notation, or an odometer reading, or any other information contained on such Illinois certificate

NOTE: For similar offense concerning fraudulent surrender of title see Section 4-105.1 of this Code.

NOTE: See Appendix B for discussion of necessity of alleging mental state.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

CHARGE: Felony (Class 2)

BOND: Must be Set by Judge

625 ILCS 5/ 4-105.1(a)(1)

UNLAWFUL DELETION OF INFORMATION ON TITLE DOCUMENT

In violation of SECTION 4-105.1(a)(1) of ACT 5 of CHAPTER 625 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), knowingly and with the intent to defraud, surrendered¹ an Iowa certificate of title² for a 20012 Ford Falcon which contained the words "S.V." on its face,³ in exchange for an Illinois certificate of title⁴ and the defendant's act of surrender resulted in⁵ the deletion of the words "S.V."³ from the Iowa title.

¹or caused to be surrendered; ²or any manufacturer's statement of origin, certificate of title, salvage certificate, junking certificate, or other title document; ³or the word "rebuilt" or similar notation; ⁴or other title document of this State; ⁵or attempted to result in

NOTE: This offense may be committed by the falsification of an odometer reading or the alteration or deletion on any other information required to be contained on such certificate of title, or any other title document of any state or foreign jurisdiction, 625 ILCS 5/4-105.1(a)(2)&(3).

CHARGING NOTE: Any person convicted of a second or subsequent offense under this Act is guilty of a Class 3 felony. The charging instrument must state prior conviction. See Sentencing Guide for discussion.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: Created - P.A. 84-986 (Sept. 25, 1985). Amended: P.A. 91-571

CHARGE: Misdemeanor (Class A)

BOND: \$1,500

625 ILCS 5/ 5-401.2(k)

UNLAWFUL FAILURE TO KEEP REQUIRED RECORDS

In violation of SECTION 5-401.2(k) of ACT 5 of CHAPTER 625 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), a person licensed¹ under Section 5-101² of the Illinois Vehicle Code, knowingly failed to keep the records required by that Section³ in that (list records which defendant failed to keep).

¹or required to be licensed; ²or Sections 5-101.1, 5-101.2, 5-102, 5-301 or 5-302 on any combination of these Sections; ³or knowingly violated the provisions of this Section.

NOTE: Alternative methods of charging this offense are as follows:

1. Defendant knowingly places false entries or other misleading information on such Uniform Invoice, or
2. Defendant knowingly fails to retain for three years a copy of a Uniform Invoice reflecting transactions required to be recorded by subsections (a), (b) and (c) of this Section, or
3. Defendant knowingly acquires or disposes of essential parts without receiving, issuing, or executing a Uniform Invoice reflecting that transaction as required by subsections (a), (b), and (c) of this Section, or
4. Defendant brings or causes to be brought into this State essential parts for which the information required to be recorded on a Uniform Invoice is not recorded as prohibited by subsection (c) of this Section.
5. Defendant knowingly fails to comply with the provisions of this Section in any other manner.

IMPORTANT: For sentencing and alternative charging information see the **Sentencing Guide**.

CHARGE: Felony (Class 2)

BOND: Must be Set by Judge

625 ILCS 5/ 5-402.1(f)

UNLAWFUL FAILURE TO CREATE UNIFORM INVOICE

In violation of SECTION 5-402.1(f) of ACT 5 of CHAPTER 625 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), a person licensed¹ under Section 5-101² of the Illinois Vehicle Code, knowingly failed to record on a uniform invoice the business name, address and dealer license number of the person disposing of an essential part as required by Section 5-402.1(b)(1) of the Illinois Vehicle Code³ in that (list the information that was not kept).

¹or required to be licensed; ²or Sections 5-102 or 5-301 or any combination of those Sections; ³or any information or entries required to be recorded by subsections (a), (b), and (c) of this Section

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

CHARGE: Felony (Class 2)

BOND: Must be Set by Judge

625 ILCS 5/ 5-403.1(a)

UNLAWFUL FAILURE TO MAINTAIN AN INVENTORY SYSTEM

In violation of SECTION 5-403.1(a) of ACT 5 of CHAPTER 625 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), a person licensed¹ under the provisions of Section 5-101² of the Illinois Vehicle Code, knowingly³ failed to maintain an inventory system as required under Section 5-403 of the Illinois Vehicle Code.

¹or required to be licensed; ²or Sections 5-101.1, 5-102 or 5-301 or any combination of these Sections; ³or intentionally or recklessly

NOTE: See Appendix B for discussion of necessity of alleging mental state.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: Created - P.A. 83-1473 (January 1, 1985); Amended - P.A.s 86-1209 and 91-415.

CHARGE: Misdemeanor (Class A)

BOND: \$1,500

625 ILCS 5/ 6-301(a)(2)

UNLAWFUL USE OF LICENSE OR PERMIT

In violation of SECTION 6-301(a)(2) of ACT 5 of CHAPTER 625 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), knowingly allowed Don Smith to use the defendant's Illinois driver's license.¹

¹or permit

NOTE: The following are alternative ways of violating this Section: (a) It is a violation of this Section for anyone: 1. To display or cause to be displayed or have in his possession any canceled, revoked or suspended license or permit; 2. To lend his license or permit to any other person or knowingly allow the use thereof by another; 3. To display or represent as his own any license or permit issued to another; 4. To fail or refuse to surrender to the Secretary of State or his agent or any peace officer upon his lawful demand, any license or permit, which was suspended, revoked, or canceled; 5. To allow any unlawful use of a license or permit issued to him; 6. To submit to an examination or to obtain the services of another to submit to an examination for the purpose of obtaining a driver's license or permit for some other person.

CASE LAW: People v. Van Cura (1977), 7 Ill. Dec. 403, 49 Ill. App. 3rd 157, 364 N.E.2d 564, certiorari denied 98 Sup. Ct. 767, held that a defendant's intent or knowledge in connection with his alleged unlawful use of driver's license was not an essential element of such offense. Therefore, under the authority of Van Cura, except for that portion of subsection a(2) to the contrary, the People need not allege a mental state on the part of the defendant.

SENTENCING NOTE: A person convicted of this offense shall be sentenced to a minimum fine of \$500 or 50 hours of community service, preferably at an alcohol abuse prevention program, if available.

CHARGING NOTE: Any person convicted of a second or subsequent offense under this Act is guilty of a Class 4 felony. The charging instrument must state prior conviction. See Appendix A for discussion.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: Created - P.A. 76-1586 (July 1, 1970); Amended - P.A.s 77-2830, 80-911, 81-306, 86-503, 88-197, 88-210, 88-670, 92-647 and re-enacted: 92-0883.

CHARGE: Misdemeanor (Class A) **BOND:** \$1,500

625 ILCS 5/ 6-301.1(b)(1)

UNLAWFULLY ALTERED¹ DRIVER'S LICENSE OR PERMIT

In violation of SECTION 6-301.1(b)(1) of ACT 5 of CHAPTER 625 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), knowingly possessed an unlawfully altered¹ driver's license² in that the defendant's date of birth on said driver's license² had been physically changed³ to read August 21, 1984, rather than August 21, 1988.

¹or fictitious; ²or permit; ³or altered

NOTE: Alternative ways of charging this offense are as follows. (b) It is a violation of this Section for any person: 1. to knowingly possess any fictitious or unlawfully altered driver's license or permit; 2. to knowingly possess, display or cause to be displayed any fictitious or unlawfully altered driver's license or permit for the purpose of obtaining any account, credit, credit card or debt card from a bank, financial institution or retail mercantile establishment; 3. to knowingly possess any fictitious or unlawfully altered driver's license or permit with the intent to commit theft, deception or credit or debit card fraud in violation of any law of this State or any law of any other jurisdiction; 4. to knowingly possess any fictitious or unlawfully altered driver's license or permit with the intent to commit any other violation of any law of this State or any law of any other jurisdiction for which a sentence to a term of imprisonment in a penitentiary for one year or more is provided; 5. to knowingly possess any fictitious or unlawfully altered driver's license or permit while in possession without authority of any document, instrument or device capable of defrauding another; 6. to knowingly possess any fictitious or unlawfully altered driver's license or permit with the intent to use the license or permit to acquire any other identification document; 7. to knowingly issue or assist in the issuance of any fictitious driver's license or permit; 8. to knowingly alter or attempt to alter any driver's license or permit; 9. to knowingly manufacture, possess, transfer, or provide any identification document whether real or fictitious for the purpose of obtaining a fictitious driver's license or permit; 10. to knowingly use any fictitious or unlawfully altered driver's license or permit to purchase or attempt to purchase any ticket for a common carrier or to board or attempt to board any common carrier; 11. to knowingly possess any fictitious or unlawfully altered driver's license or permit if the person has at the time a different driver's license issued by the Illinois Secretary of State or other official driver's license agency in another jurisdiction that is suspended or revoked.

NOTE: For definitions of "A fictitious identification card"; "False information"; "An unlawfully altered identification card"; "A document capable of defrauding another"; or "identification document" or "identification card" see Subsection (a) of the Statute or refer to Appendix C of this work.

CHARGING NOTE: Any person convicted of a second or subsequent offense under this Act is guilty of a Class 4 felony. The charging instrument must state prior conviction. See Appendix A for discussion.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: P.A. 81-306 (Eff: 8-30-79) Amended - P.A.s 86-503, 86-551, 86-1028, 88-210, 92-673, 93-895 and 96-1120.

CHARGE: Misdemeanor (Class A)

BOND: \$1,500

625 ILCS 5/ 6-301.2(b)(1)

UNLAWFUL POSSESSION OF A FRAUDULENT DRIVER'S LICENSE¹

In violation of SECTION 6-301.2(b)(1) of ACT 5 of CHAPTER 625 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), knowingly possessed a fraudulent Illinois driver's license.¹

¹or a fraudulent driver's permit

NOTE: Alternative ways of charging this Section 6-301.2(b) are listed as follows: 1. To knowingly possess, display or cause to be displayed any fraudulent driver's license or permit for the purpose of obtaining any account, credit, credit card or debit card from a bank, financial institution or retail mercantile establishment; 2. To knowingly possess any fraudulent driver's license or permit with the intent to commit a theft, deception or credit or debit card fraud in violation of any law of this State or any law of any other jurisdiction; 3. To knowingly possess any fraudulent driver's license or permit with the intent to commit any other violation of any laws of this State or any law of any other jurisdiction for which a sentence to a term of imprisonment in a penitentiary for one year or more is provided; 4. To knowingly possess any fraudulent driver's license or permit while in unauthorized possession of any document, instrument or device capable of defrauding another; 5. To knowingly possess any fraudulent driver's license or permit with the intent to use the license or permit to acquire any other identification document; 6. To knowingly possess without authority any driver's license-making or permit-making implement; 7. To knowingly possess any stolen driver's license-making or permit-making implement or to possess, use, or allow to be used any materials, hardware, or software specifically designed for or primarily used in the manufacture, assembly, issuance, or authentication of an official driver's license or permit issued by the Secretary of State; (P.A. 93-667 and 93-895) 8. To knowingly duplicate, manufacture, sell, or transfer any fraudulent driver's license or permit; 9. To advertise or distribute any information or materials that promote the selling, giving, or furnishing of a fraudulent driver's license or permit; 10. To knowingly use any fraudulent driver's license or permit to purchase or attempt to purchase any ticket for a common carrier or to board or attempt to board any common carrier. As used in this Section, "common carrier" means any public or private provider of transportation, whether by land, air, or water; 11. To knowingly possess any fraudulent driver's license or permit if the person has at the time a different driver's license issued by the Secretary of State or another official driver's license agency in another jurisdiction that is suspended or revoked. Any person convicted of a violation of any of paragraphs 2 through 9 or paragraph 11 or 12 of subsection (b) of this Section or a violation of subsection (b-1) of this Section shall be guilty of a Class 4 felony. A person convicted of a second or subsequent violation shall be guilty of a Class 3 felony. Any person convicted of a violation of paragraph 10 of subsection (b) of this Section shall be guilty of a Class B misdemeanor.

NOTE: It is a violation of this Section for any person to possess, use, or allow to be used any materials, hardware, or software specifically designed for or primarily used in the reading of encrypted language from the bar code or magnetic strip of an official Illinois Identification Card or Illinois Disabled Person Identification Card issued by the Secretary of State. (94-239)

NOTE: For a definition of "a driver's license-making or permit-making implement" see Section 1-117.5 of this Act. For a definition of "a fraudulent driver's license or permit" see Section 1-123.4 of this Act.

SENTENCING NOTE: A defendant convicted of this offense shall be sentenced to a minimum fine of \$500 or 50 hours of community service, preferably at an alcohol abuse prevention program, if available.

CHARGING NOTE: Any person convicted of a second or subsequent violation of paragraphs 2 through 9 or 11 or 12 under this Act is guilty of a Class 3 felony. The charging instrument must state prior conviction. See Appendix A for discussion.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: Created - P.A. 86-503 (Eff. Sept. 1, 1989); Amended - P.A.s 86-1028, 88-210, 89-283, 90-89, 90-191, 90-655, 92-673, 93-667, 93-895, 94-239 and 94-930.

CHARGE: Felony (Class 4)

BOND: Must be Set by Judge

625 ILCS 5/ 6-302(a)(1)

MAKING A FALSE APPLICATION OR AFFIDAVIT

In violation of SECTION 6-302(a)(1) of ACT 5 of CHAPTER 625 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), presented¹ an application² for an Illinois driver's license³ knowing that such application contained a false birthdate⁴ of the defendant.

¹or displayed; ²or any document; ³or a permit; ⁴or any false information concerning the identity of the defendant

NOTE: This offense may also be committed by accepting or allowing to be accepted any document displayed or presented for the purpose of making application for a driver's license or permit knowing that such document contained false information concerning the identity of the applicant, or, knowingly making any false affidavit or swearing or affirming falsely to any matter or thing required by the terms of this act to be sworn to or affirmed. (625 ILCS 5/6-302(a)(2) and 6-302(a)(3))

CHARGING NOTE: Any person convicted of a second or subsequent offense under this Act is guilty of a Class 3 felony. The charging instrument must state prior conviction. See Appendix A for discussion.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: Created - P.A. 76-1586 (July 1, 1970); Amended P. A. 96-503.

CHARGE: Felony (Class 4)

BOND: Must be Set by Judge

625 ILCS 5/ 6-303(a)

DRIVING WHILE DRIVER'S LICENSE IS REVOKED⁴

In violation of SECTION 6-303(a) of ACT 5 of CHAPTER 625 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), drove¹ a 20012 Chevrolet Nova with an Illinois registration number of XXX-123 on North May Street² in Union City, Illinois, a highway in the State of Illinois, at a time when the defendant's driver's license³ was revoked.⁴

¹or was in actual physical control; ²or any highway in the State of Illinois; ³or his permit or privilege so to do or his privilege to obtain a driver's license or permit; ⁴or suspended as provided by this Code or the law of another state

CAVEAT: Based upon Case Authority, this appears to be an absolute liability offense.

IMPORTANT: The criminal classification and penalties for this offense depends upon the prior violations of the defendant. For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: Created - P.A. 76-1586 (July 1, 1970); Amended - P.A.s 77-2720, 80-1462, 83-206, 84-272, 84-1394, 88-97, 88-680, 89-156, 92-349, 94-0112, 95-377, 95-400, 95-578, 95-876, 95-991, 96-502, 96-607, 96-1000 and 96-1344.

CHARGE: Misdemeanor (Class A)

BOND: \$1,500

625 ILCS 5/ 6-304.1

UNLAWFULLY PERMITTING AN INTOXICATED PERSON TO DRIVE

In violation of SECTION 6-304.1 of ACT 5 of CHAPTER 625 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), knowingly permitted¹ Don Smith, a person under the influence of alcohol,² to drive a motor vehicle owned³ by the defendant on North May Street in Union City, Illinois.⁴

¹or authorized or caused; ²or other drugs or a combination thereof; ³or under the control of the defendant; ⁴or upon any highway

NOTE: This provision shall not apply to a spouse of the person who owns or has control of, or a co-owner of a motor vehicle or to a bailee for hire.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: Created - P.A. 84-272 (January 1, 1986); Amended - P.A. 84-1394.

CHARGE: Misdemeanor (Class A)

BOND: \$1,500

625 ILCS 5/ 11-401(a)

FAILURE TO STOP AFTER HAVING AN ACCIDENT INVOLVING PERSONAL INJURY OR DEATH

In violation of SECTION 11-401(a) of ACT 5 of CHAPTER 625 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), knowingly¹ failed to stop the vehicle he was driving after that vehicle was involved in an accident² at the intersection of Elm and Maple Streets in Union City, Illinois, in which Don Smith was personally injured³ as a result of that accident.

¹or intentionally or recklessly; ²or left the scene of an accident; ³or killed

DEFINITION: For the purposes of this Section, “personal injury” shall mean any injury requiring immediate professional treatment in a medical facility or doctor's office.

NOTE: See Appendix B for discussion of necessity of alleging mental state.

CHARGING NOTE: A prosecution for this offense may be commenced at any time. (720 ILCS 5/3-5)

CASE LAW: In People v. Digirolamo (1997) (179 Ill.2d 24, 688 N.E.2d 116, 227 Ill. Dec. 779), the Illinois Supreme Court ruled that in cases under this offense where the defendant is accused of striking a pedestrian, the People must show that the defendant knew that he struck a pedestrian and not merely that he struck something.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: Created - P.A. 76-1586 (July 1, 1970); Amended - P.A.s 77-2720, 82-141, 83-831, 84-272, 90-543, 93-684, 94-115, 95-347 and 96-1344.

CHARGE: Felony (Class 4)

BOND: Must be Set by Judge

625 ILCS 5/ 11-401(b)

FAILURE TO REPORT AN ACCIDENT INVOLVING PERSONAL INJURY OR DEATH

In violation of SECTION 11-401(b) of ACT 5 of CHAPTER 625 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), knowingly¹ failed to stop the vehicle he was driving after that vehicle was involved in an accident² at the intersection of Second and Third Streets in Union City, Illinois, in which Joe Brown was personally injured³ as a result of that accident and thereafter failed to report the accident⁴ to the Union City Police⁵ within one half hour after the accident.

¹ or intentionally or recklessly; ² or left the scene of an accident involving; ³ or killed; ⁴ the driver must report the place of the accident, the date, the approximate time, the driver's name and address, the registration number of the vehicle driven, and the names of all other occupants of such vehicle; ⁵ or to any police station or Sheriff's Office near the place where the accident occurred

DEFINITION: For the purposes of this Section, “personal injury” shall mean any injury requiring immediate professional treatment in a medical facility or doctor's office.

NOTE: If one is hospitalized and incapacitated from reporting at any time during the period after the accident, within one half hour after being discharged from the hospital that person must report the accident.

CHARGING NOTES: (A) A prosecution for this offense may be commenced at any time. (720 ILCS 5/3-5) (B) Any person failing to comply with this provision when the accident results in the death of any person is guilty of a Class 1 felony. See the Appendix A for discussion.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: This offense was recently amended by Public Act: 95-0347: (Eff: 1-1-08).

CHARGE: Felony (Class 2)

BOND: Must be Set by Judge

625 ILCS 5/ 11-403

REFUSAL TO GIVE INFORMATION AFTER HAVING AN ACCIDENT INVOLVING PERSONAL INJURY OR DEATH

In violation of SECTION 11-403 of ACT 5 of CHAPTER 625 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), knowingly¹ refused to give Don Smith the defendant's name² or show Don Smith the defendant's driver's license³ after the motor vehicle the defendant was driving was involved in an accident which resulted in injury⁴ to Don Smith.

¹or intentionally or recklessly; ²and his address, registration number and owner of the vehicle the defendant was operating; ³or render reasonably assistance including the carrying of such person to a physician, surgeon, or hospital for medical or surgical treatment, if it is apparent that such treatment is necessary or if such carrying is requested by the injured person; ⁴or death

NOTE: See Appendix B for discussion of necessity of alleging mental state.

CHARGING NOTE: A prosecution for this offense may be commenced at any time. (720 ILCS 5/3-5)

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: Created - P.A. 76-1586 (July 1, 1970); Amended - P.A.s 80-911 and 83-831.

CHARGE: Misdemeanor (Class A)

BOND: \$1,500

625 ILCS 5/ 11-501(a)(2)

DRIVING A VEHICLE WHILE UNDER THE INFLUENCE OF ALCOHOL¹

In violation of SECTION 11-501(a)(2) of ACT 5 of CHAPTER 625 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), drove² a 2012 Chevrolet Nova with an Illinois registration number XXX-123 on North May Street³ in Union City, Illinois, while the defendant was under the influence of alcohol.⁴

¹ or drugs or a combination of alcohol and drugs; ² or was in actual physical control of; ³ anywhere within this State; ⁴ or while the alcohol concentration in such person's blood or breath is 0.08 or more based on the definition of blood and breath units in Section 11-501.2 (11-501(a)(1)); or while under the influence of any intoxicating compound or combination of intoxicating compounds to a degree that renders the person incapable of driving safely (11-501(a)(3)); or while under the influence of any other drug or combination of drugs to a degree that renders the person incapable of safely driving (11-501(a)(4)); or while under the combined influence of alcohol, other drug or drugs, or intoxicating compound or compounds to a degree that renders the person incapable of safely driving (11-501(a)(5)); or while there is any amount of a drug, substance, or compound in the person's breath, blood, or urine resulting from the unlawful use or consumption of cannabis listed in the Cannabis Control Act, a controlled substance listed in the Illinois Controlled Substances Act, or an intoxicating compound listed in the Use of Intoxicating Compounds Act or methamphetamine as listed in the Methamphetamine Control and Community Protection Act (11-501(a)(6)).

NOTE: A felony DUI indictment's failure to list the locations and dates of a defendant's prior DUI convictions did not render that indictment defective since prior offenses were not elements of the felony DUI offense and were used solely for sentencing purposes. People v. Lambert (3rd Dist., 1993), 249 Ill. App. 3d 726.

ADDED CASE AUTHORITY: In People v. Ziltz (1983), 74 Ill. Dec. 40, the Illinois Supreme Court held that the offense of DUI was a strict liability offense. IPI Criminal 23.13 does not include a mental state. You must decide whether to include a mental state. The offense of DUI based upon cannabis intoxication survives a constitutional challenge in People v. Briseno, 343 Ill. App. 3d 953, 799 N. E. 2d 359, 278 Ill. Dec. 641 (1st Dist., No. 1-02-1995, September 26, 2003).

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: Created - P.A. 76-1586 (July 1, 1970); Amended - P.A.s 76-1738, 77-575, 77-2720, 78-255, 80-1495, 82-221, 82-311, 82-783, 83-204, 83-1281, 83-204, 83-1281, 84-272, 84-899, 84-916, 84-1308, 84-1394, 85-303, 87-1073, 87-1075, 87-1198 87-1222, 88-45, 88-238, 88-433, 89-156, 90-43, 90-738, 90-779, 90-738, 92-248, 92-418, 93-800, 94-110, 94-113, 94-114, 94-116, 94-329, 95-355, 95-578, 95-778, 95-876, and 96-289.

CHARGE: Misdemeanor (Class A)

BOND: \$1,500

625 ILCS 5/11-501(d)(1)(B)

AGGRAVATED DRIVING UNDER THE INFLUENCE OF ALCOHOL¹

In violation of SECTION 11-501(d)(1)(B) of ACT 5 of CHAPTER 625 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), while under the influence of alcohol,¹ drove² a school bus while persons 18 years of age or younger were on board.

¹ or other drugs or a combination thereof; ² or was in actual physical control of

NOTE: Charging Alternatives: (1) Every person convicted of committing a violation of this Section shall be guilty of aggravated driving under the influence of alcohol, other drug or drugs, or intoxicating compound or compounds, or any combination thereof if: (A) the person committed a violation of subsection (a) or a similar provision for the third or subsequent time; (B) the person committed a violation of subsection (a) while driving a school bus with persons 18 years of age or younger on board; (C) the person in committing a violation of subsection (a) was involved in a motor vehicle accident that result in great bodily harm or permanent disability or disfigurement to another, when the violation was a proximate cause of the injuries; (D) the person committed a violation of subsection (a) and has been previously convicted of violating Section 9-3 of the Criminal Code of 1961 or a similar provision of a law of another state relating to reckless homicide in which the person was determined to have been under the influence of alcohol, other drug or drugs, or intoxicating compound or compounds as an element of the offense or the person has previously been convicted under subparagraph (C) or subparagraph (F) of this paragraph (1) (This offense will be a Class 3 felony); (E) the person, in committing a violation of subsection (a) while driving at any speed in a school speed zone at a time when a speed limit of 20 miles per hour was in effect under subsection (a) of Section 11-605 of this Code, was involved in a motor vehicle accident that resulted in bodily harm, other than great bodily harm or permanent disability or disfigurement, to another person, when the violation of subsection (a) was a proximate cause of the bodily harm; (F) the person, in committing a violation of subsection (a), was involved in a motor vehicle, snowmobile, all-terrain vehicle, or watercraft accident that resulted in the death of another person, when the violation of subsection (a) was a proximate cause of the death; (G) the person committed a violation of subsection (a) during a period in which the defendant's driving privileges are revoked or suspended, where the revocation or suspension was for a violation of subsection, (9a) of Section 11-501.1, paragraph (9b) of Section 11-401, or for reckless homicide as defined in Section 9-3 of the Criminal Code of 1961; (H) the person committed the violation while he or she did not possess a driver's license or permit or a restricted driving permit or a judicial driving permit; (I) the person committed the violation while he or she knew or should have known that the vehicle he or she was driving was not covered by a liability insurance policy; (J) the person in committing a violation of subsection (a) was involved in a motor vehicle accident that resulted in bodily harm, but not great bodily harm, to the child under the age of 16 being transported by the person, if the violation was the proximate cause of the injury; or (K) the person in committing a second violation of subsection (a) or a similar provision was transporting a person under the age of 16.

CASE LAW: In People v. Ziltz (1983), 74 Ill. Dec. 40, the Illinois Supreme Court held that the offense of DUI was a strict liability offense. IPI Criminal 23.13 does not include a mental state. You must decide whether to include a mental state. Further, a felony DUI indictment's failure to list the locations and dates of a defendant's prior DUI convictions did not render that indictment defective since prior offenses were not elements of the felony DUI offense and were used solely for sentencing purposes. People v. Lanbert (3rd Dist., 1993), 249 Ill. App. 3d 726.

VERY IMPORTANT: The criminal classification and penalties for this offense depend to a great extent on many variables, including prior violations. For numerous sentencing alternatives and alternative charging information see the Sentencing Guide.

Legislative History: Title Added by Public Act 87-274. Amended by P.A.s 87-1073, 87-1074, 87-1198, 87-1222, 88-433, 88-680, 89-156, 0-779, 92-248, 92-420, 92-429, 93-213, 93-712, 93-800, 94-113, 94-116, 94-328, 95-578, 95-778, 95-876, and 96-289.

CHARGE: Felony (Class 4) **BOND:** Must be Set by Judge

625 ILCS 5/ 11-502.1(a)

UNLAWFUL POSSESSION OF MEDICAL CANNABIS

In violation of SECTION 11-502.1(a) ACT 5 of CHAPTER 625 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), being the driver of a motor vehicle and a medical cannabis cardholder, knowingly¹ used medical cannabis within the passenger area of a motor vehicle upon a highway in Illinois, in that (describe the defendant's conduct).

¹or intentionally or recklessly.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: Created - P.A. 98-0122 (January 1, 2014)

CHARGE: Misdemeanor (Class A) **BOND:** \$1,500

625 ILCS 5/ 11-502.1(b)

UNLAWFUL POSSESSION OF MEDICAL CANNABIS

In violation of SECTION 11-502.1(b) ACT 5 of CHAPTER 625 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), being the driver of a motor vehicle and a medical cannabis cardholder¹, knowingly² possessed medical cannabis within a motor vehicle³ upon a highway in Illinois and said cannabis was not in a sealed, tamper-evidence medical cannabis container, in that (describe the defendant's conduct).

¹or a medical cannabis designated caregiver, a medical cannabis cultivation center agent, or a dispensing organization agent; ²or or intentionally or recklessly; ³note that this subdivision prohibits such possession within "any area of a motor vehicle", not just the passenger area.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: Created - P.A. 98-0122 (January 1, 2014)

CHARGE: Misdemeanor (Class A)

BOND: \$1,500

625 ILCS 5/ 11-502.1(c)

UNLAWFUL POSSESSION OF MEDICAL CANNABIS

In violation of SECTION 11-502.1(c) ACT 5 of CHAPTER 625 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), being a passenger in a motor vehicle and a medical cannabis cardholder¹, knowingly² possessed medical cannabis within the passenger area of a motor vehicle upon a highway in Illinois and said cannabis was not in a sealed, tamper-evidence medical cannabis container, in that (describe the defendant's conduct).

¹or a medical cannabis designated caregiver, a medical cannabis cultivation center agent, or a dispensing organization agent; ²or or intentionally or recklessly.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: Created - P.A. 98-0122 (January 1, 2014)

CHARGE: Misdemeanor (Class A)

BOND: \$1,500

625 ILCS 5/11-503(a)(1)

AGGRAVATED RECKLESS DRIVING

In violation of SECTION 11-503(a)(1) of ACT 5 of CHAPTER 625 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), drove his car, a 2012 Ford Falcon,¹ with a willful and wanton disregard for the safety of persons² and in so doing caused great bodily harm³ to Don Smith in that (describe the act that caused the injury)

¹ or any vehicle; ² or property; ³ or permanent disability or disfigurement (subsection (c))

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: Created - P.A. 88-679 (Eff.: 7-1-95). Amended P.A. 93-682 and 95-467.

CHARGE: Felony (Class 4)

BOND: Must be Set by Judge

625 ILCS 5/ 11-506(a)

STREET RACING

In violation of SECTION 11-506(a) of ACT 5 of CHAPTER 625 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), while driving a red 2012 Ford Falcon with a registration number of XXX-123, knowingly¹ engaged in street racing along Union Blvd. in Union City, Illinois in that: (describe the act of street racing.).

¹ or intentionally or recklessly

NOTE: "Street racing" means: (1) The operation of 2 or more vehicles from a point side by side at accelerating speeds in a competitive attempt to outdistance each other; or (2) The operation of one or more vehicles over a common selected course, each starting at the same point, for the purpose of comparing the relative speeds or power of acceleration of such vehicle or vehicles within a certain distance or time limit; or (3) The use of one or more vehicles in an attempt to outgain or outdistance another vehicle; or (4) The use of one or more vehicles to prevent another vehicle from passing; or (5) The use of one or more vehicles to arrive at a given destination ahead of another vehicle or vehicles; or (6) The use of one or more vehicles to test the physical stamina or endurance of drivers over long-distance driving routes.

SENTENCING NOTE: A defendant convicted of this offense shall be subject to a minimum fine of \$250.

CHARGING NOTE: A second or subsequent conviction shall is a Class 4 felony and a minimum fine of \$500 is mandated. The charging instrument must state prior conviction. See Appendix A for discussion.

CHARGING AND SENTENCING NOTE: (Aggravated Street Racing): Every person convicted of committing a violation of subsection (a) of this Section shall be guilty of Aggravated Street Racing if the person, in committing a violation of subsection (a) was involved in a motor vehicle accident that resulted in great bodily harm or permanent disability or disfigurement to another, where the violation was a proximate cause of the injury. Aggravated Street Racing is a Class 4 felony for which the defendant, if sentenced to a term of imprisonment shall be sentenced to not less than one year nor more than 12 years.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: Created - P.A. 95-310 (January 1, 2008).

CHARGE: Misdemeanor (Class A)

BOND: \$1,500

625 ILCS 5/ 11-506(b)

STREET RACING

In violation of SECTION 11-506(b) of ACT 5 of CHAPTER 625 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), the owner a red 2012 Ford Falcon with a registration number of XXX-123, knowingly¹ permitted² his car to be used by Sam Smith to engaged in street racing along Union Blvd. in Union City, Illinois in that: (describe the act of street racing.).

¹or intentionally or recklessly; ²or acquiesced in

NOTE: "Street racing" means: (1) The operation of 2 or more vehicles from a point side by side at accelerating speeds in a competitive attempt to outdistance each other; or (2) The operation of one or more vehicles over a common selected course, each starting at the same point, for the purpose of comparing the relative speeds or power of acceleration of such vehicle or vehicles within a certain distance or time limit; or (3) The use of one or more vehicles in an attempt to outgain or outdistance another vehicle; or (4) The use of one or more vehicles to prevent another vehicle from passing; or (5) The use of one or more vehicles to arrive at a given destination ahead of another vehicle or vehicles; or (6) The use of one or more vehicles to test the physical stamina or endurance of drivers over long-distance driving routes.

NOTE: "Acquiesce" or "permit" means actual knowledge that the motor vehicle was to be used for the purpose of street racing.

CHARGING NOTE: A second or subsequent conviction shall is a Class A misdemeanor. The charging instrument must state prior conviction. See Appendix A for discussion.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: Created - P.A. 95-310 (January 1, 2008).

CHARGE: Misdemeanor (Class B)

BOND: \$1,500

625 ILCS 5/ 11-1011(b)

UNLAWFUL DISOBEDIENCE OF RAILROAD² CROSSING
GATE BY A PEDESTRIAN

In violation of SECTION 11-1011(b) of ACT 5 of CHAPTER 625 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), a pedestrian, recklessly¹ passed around² a crossing gate³ at a railroad grade crossing⁴ located at 777 West May Street, Union City, Union County, Illinois, while such gate² was closed.⁵

¹or intentionally or knowingly; ²or through or over; ³or barrier; ⁴or bridge; ⁵or was being closed or opened

DEFINITION: "Pedestrian" means any person afoot. (625 ILCS 5/1-158)

NOTE: See Appendix B for discussion of necessity of alleging mental state.

SENTENCING NOTE: A \$250 fine shall be imposed for a first violation, and a \$500 fine shall be imposed for a second or subsequent violation. The court may impose 25 hours of community service in place of the \$250 fine for a first violation.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: Created - P.A. 79-857 (January 1, 1976); Amended - P.A. 89-186 & 89-658, 92-814 and 96-1244.

CHARGE: Petty Offense

BOND: No bond is now needed.
Public Act: 98-0870; Eff: 1-1-15.

625 ILCS 5/ 11-1201(b)

UNLAWFUL DISOBEDIENCE OF RAILROAD CROSSING GATE

In violation of SECTION 11-1201(b) of ACT 5 of CHAPTER 625 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), while driving a 2008 Ford Falcon¹ recklessly² drove around³ a crossing gate⁴ at the railroad crossing located at 777 West May Street, Union City, Union County, Illinois, while such gate⁴ was closed.⁵

¹ or any vehicle; ² or intentionally or knowingly; ³ or through or under; ⁴ or barrier; ⁵ or was being opened or closed

NOTE: For variations of this offense dealing with the failure to stop a vehicle at such a crossing see Section 11-1201(a) of this Act.

NOTE: At any railroad grade crossing provided with railroad cross-buck signed, without automatic, electric, or mechanical signal devices, crossing gates, or a human flagman giving a signal of the approach or passage of a train, the driver of a vehicle shall in obedience to the railroad cross-buck sign, yield the right-of-way and slow down to a speed reasonable for the existing conditions and shall stop, if required for safety, at a clearly marked stopped line, or if no stop line, within 50 feet but not less than 15 feet from the nearest rail of the railroad and shall not proceed until he or she can do so safely. If a driver is involved in a collision at a railroad crossing or interferes with the movement of a train after driving past the railroad cross-buck sign, the collision or interference is prima facie evidence of the driver's failure to yield right-of-way.

NOTE: (d)(5) No person may drive any vehicle through a railroad crossing if there is insufficient space to drive completely through the crossing without stopping.

NOTE: See Appendix B for discussion of necessity of alleging mental state.

SENTENCING NOTE: A fine of \$250 shall be imposed for a first violation, and a fine of \$500 shall be imposed for a second or subsequent violation. The court may impose 25 hours of community service in place of the \$250 fine for the first violation. For a second or subsequent violation, the Secretary of State may suspend the driving privileges of the offender for a minimum of 6 months.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: Created - P.A. 76-1586 (July 1, 1970); Amended - P.A.s 76-2170, 79-1069, 89-186, 89-658, 92-248 & 92-249.

CHARGE: Petty Offense

BOND: No bond is now needed.
Public Act: 98-0870; Eff: 1-1-15.

625 ILCS 5/ 12-215(a)

UNLAWFUL USE OF OSCILLATING¹ LIGHT

In violation of SECTION 12-215(a) of ACT 5 of CHAPTER 625 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), knowingly² and without lawful justification placed an oscillating¹ red³ light upon his motor vehicle, a 2012 Ford Falcon with a vehicle identification number of XXX-777.

¹ or rotating or flashing; ² or intentionally or recklessly; ³ or a blue or white

NOTE: Any person violating this statute who without lawful authority stops or detains or attempts to stop or detain another person commits a Class 2 felony. (625 ILCS 5/12-215(g)) See Sentencing Guide.

NOTE: See Appendix B for discussion of necessity of alleging mental state.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: Created - P.A. 76-1586 (July 1, 1970); Amended - P.A.s 76-2182, 77-37, 77-103, 77-2829, 78-255, 78-509, 78-1203, 78-1297, 79-537, 79-870, 79-916, 79-1454, 80-1013, 81-1509, 83-769, 84-256, 84-285, 84-1105, 84-1231, 84-1308, 84-1438, 85-586, 85-1368, 86-611, 94-730, 96-21, 96-1190, 97-149 and 97-813.

CHARGE: Misdemeanor (Class A)

BOND: \$1,500

625 ILCS 5/ 12-604.1(a-5)

AGGRAVATED UNLAWFUL USE OF A VIDEO DEVICE

In violation of SECTION 12-604.1(a-5) of ACT 5 of CHAPTER 625 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), operated a motor vehicle while a video monitor¹ was operating and visible to the defendant² in violation of Section 12-604.1 (a) of the Illinois Vehicle Code and in so doing was involved in a motor vehicle accident that resulted in the death of Sam Smith³ and the conduct of this defendant was a proximate cause of the death of Sam Smith³.

¹ or a television receiver, a television or video screen, or any other similar means of visually displaying a television broadcast or video signal that produces entertainment or business applications; ² or was operating and was located in the motor vehicle at any point forward of the back of the driver's seat; ³ or results in great bodily harm, permanent disability, or disfigurement.

CHARGING NOTE: If a violation of this provision results in great bodily harm, permanent disability, or disfigurement rather than death, a violation of this provision is a Class A Misdemeanor. (625 ILCS 5/ 12-604.1(f))

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: This subsection was recently amended by P.A. 98-0507. Eff: 1-1-14.

CHARGE: Felony (Class 4)

BOND: Must be Set by Judge

625 ILCS 5/ 12-610.1(b-5)

AGGRAVATED UNLAWFUL USE OF A WIRELESS TELEPHONE

In violation of SECTION 12-610.1(b-5) of ACT 5 of CHAPTER 625 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), a person under 19 years of age who held a graduated driver's license¹, operated a motor vehicle while using a wireless telephone in violation of Section 12-610.1 (b) of the Illinois Vehicle Code and in so doing was involved in a motor vehicle accident that resulted in the death of Sam Smith² and the conduct of this defendant was a proximate cause of the death of Sam Smith².

¹or an instruction permit issued under Section 6-105 or 6-107.1 of the Vehicle Code; ²or results in the victim suffering great bodily harm, permanent disability, or disfigurement.

CHARGING NOTE: If a violation of this provision results in great bodily harm, permanent disability, or disfigurement to the victim (rather than death), a violation of this provision is a Class A Misdemeanor. (625 ILCS 5/ 12-604.1(f))

DEFINITION: As used in this Section, "wireless telephone" means a device that is capable of transmitting or receiving telephonic communications without a wire connecting the device to the telephone network.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: This subsection was recently amended by P.A. 98-0507. Eff: 1-1-14.

CHARGE: Felony (Class 4)

BOND: Must be Set by Judge

625 ILCS 5/ 12-610.1(e-5)

AGGRAVATED UNLAWFUL USE OF A WIRELESS TELEPHONE

In violation of SECTION 12-610.1(b-5) of ACT 5 of CHAPTER 625 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), operated a motor vehicle in a school speed zone¹ while using a wireless telephone in violation of Section 12-610.1 (e) of the Illinois Vehicle Code and in so doing was involved in a motor vehicle accident that resulted in the death of Sam Smith² and the conduct of this defendant was a proximate cause of the death of Sam Smith².

¹or on a highway in a construction or maintenance speed zone established under Section 11-605.1, or within 500 feet of an emergency scene; ²or results in the victim suffering great bodily harm, permanent disability, or disfigurement.

CHARGING NOTE: If a violation of this provision results in great bodily harm, permanent disability, or disfigurement to the victim (rather than death), a violation of this provision is a Class A Misdemeanor. (625 ILCS 5/ 12-604.1(f))

DEFINITION: As used in this Section, "wireless telephone" means a device that is capable of transmitting or receiving telephonic communications without a wire connecting the device to the telephone network.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: This subsection was recently amended by P.A. 98-0507. Eff: 1-1-14.

CHARGE: Felony (Class 4)

BOND: Must be Set by Judge

625 ILCS 5/ 12-610.2(b-5)

AGGRAVATED UNLAWFUL USE OF AN ELECTRONIC COMMUNICATION DEVICE

In violation of SECTION 12-610.2(b-5) of ACT 5 of CHAPTER 625 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), operated a motor vehicle while using an electronic communication device to read an electronic message¹ in violation of Section 12-610.2 (b) of the Illinois Vehicle Code and in so doing said defendant was involved in a motor vehicle accident that resulted in the death of Sam Smith² and the conduct of this defendant was a proximate cause of the death of Sam Smith².

¹or compose, or send an electronic message; ²or results in the victim suffering great bodily harm, permanent disability, or disfigurement.

CHARGING NOTE: If a violation of this provision results in great bodily harm, permanent disability, or disfigurement rather than death, a violation of this provision is a Class A Misdemeanor. (625 ILCS 5/ 12-604.1(f))

DEFINITIONS: "Electronic communication device" means an electronic device, including but not limited to a wireless telephone, personal digital assistant, or a portable or mobile computer while being used for the purpose of composing, reading, or sending an electronic message, but does not include a global positioning system or navigation system or a device that is physically or electronically integrated into the motor vehicle. "Electronic message" means a self-contained piece of digital communication that is designed or intended to be transmitted between physical devices. "Electronic message" includes, but is not limited to electronic mail, a text message, an instant message, a digital photograph, a video, or a command or request to access an Internet site.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: This subsection was recently amended by P.A. 98-0507. Eff: 1-1-14.

CHARGE: Felony (Class 4)

BOND: Must be Set by Judge

625 ILCS 5/ 12-612(a)(2)

UNLAWFUL INSTALLATION OF A SECRET¹ COMPARTMENT IN A MOTOR VEHICLE

In violation of SECTION 12-612(a)(2) of ACT 5 of CHAPTER 625 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), knowingly installed² a secret¹ compartment in a motor vehicle, a 2008 Ford Falcon with a vehicle registration number of XXX-777 knowing that another person intended to use the compartment to conceal a firearm as prohibited by paragraph (a)(4) of Section 24-1 of the Criminal Code of 1961.³

¹ or false; ² or created, built or fabricated; ³ or controlled substance as prohibited by the Illinois Controlled Substances Act or the Methamphetamine Control and Community Protection Act.

NOTE: A "false" or "secret" compartment means an enclosure integrated into a vehicle that is a modification of the vehicle as built by the original manufacturer.

NOTE: This offense may also be committed by owning or operating any motor vehicle with the knowledge that the motor vehicle contains a false or secret compartment.

NOTE: Any vehicle containing a false or secret compartment, as well as any items within that compartment, shall be subject to seizure and forfeiture as provided by Sections 36-1 and 36-2 of the Criminal Code.

CAUTION: This statute was declared unconstitutional by People v. Carpenter, 368 Ill. App. 3d 288 (2006). (This subsection was subsequently amended to correct this problem.)

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: Created - Public Act 91-359 (Eff:1-1-00). Amended: 96-359 (Eff: 1-1-10).

CHARGE: Felony (Class 4)

BOND: Must be Set by Judge

625 ILCS 5/ 18c-7401(3)

UNLAWFUL¹ REMOVAL² OF RAILROAD PROTECTIVE DEVICE

In violation of SECTION 18c-7401(3) of ACT 5 of CHAPTER 625 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), knowingly³ unlawfully⁴ removed⁵ a railroad sign⁶ located at 777 West May Street in Union City, Illinois, a public grade crossing.⁷

¹or malicious; ²or damage, defacement; ³or intentionally or recklessly; ⁴or maliciously; ⁵or damaged, defaced or threw down; ⁶or signal, gate or any other protective device; ⁷at or near any public grade crossing

NOTE: See Appendix B for discussion of necessity of alleging mental state.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: Created - P.A. 84-796 (January 1, 1986).

CHARGE: Petty Offense

BOND: No bond is now needed.
Public Act: 98-0870; Eff: 1-1-15

625 ILCS 5/ 18c-7404(2)(a)

UNLAWFUL TRANSPORTATION OF HAZARDOUS MATERIALS

In violation of SECTION 18c-7404(2)(a) of ACT 5 of CHAPTER 625 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), willfully transported hazardous materials by a rail carrier, the Union Central Railroad, in Union City, Illinois, and in doing so violated the provisions of the Illinois Commercial Transportation Law¹ in that the defendant (describe the act(s) and the regulation(s) or order(s) violated).

¹ or any regulations or orders of the Illinois Commerce Commission

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: Created - P.A. 84-796 (January 1, 1986); Amended - P.A. 85-815.

CHARGE: Felony (Class 3)

BOND: Must be Set by Judge

625 ILCS 5/ 18c-7502(a)(i)

UNLAWFUL REMOVAL¹ OF RAILROAD PROPERTY

In violation of SECTION 18c-7502(a)(i) of ACT 5 of CHAPTER 625 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), knowingly² removed³ a break cable⁴ from a railroad locomotive⁵ located at 777 May Street, Union City, Illinois.

¹or damage to; ²or intentionally or recklessly; ³or damaged, took, stole, changed, added to, took from, or in any manner changed, defaced or interfered with; ⁴or any part or attachment; ⁵or any locomotive or car, or any plant or property used in or in connection with the operation of any railroad carrier, locomotive, car or train, or shoots, throws, or drops any object onto or at any train, locomotive, or car in this State

NOTE: A defendant is also guilty of this offense when he or she is found to have: (a)(ii) willfully and with intent to permanently deprive the owner thereof, taken or removed railroad freight from any freight car, including a boxcar, container, or flatbed; (a)(iii) bought or received any of the railroad freight described in item (ii), having reason to know that such freight was stolen; or (iv) willfully placed upon an active railroad track or railroad right of way any object or objects that would adversely affect safe railroad operations.

NOTE: See Appendix B for discussion of necessity of alleging mental state.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: Created - P.A. 84-796 (January 1, 1986); Amended - P.A. 85-293, 90-691, 91-532 and 96-1132.

CHARGE: Felony (Class 4)

BOND: Must be Set by Judge

625 ILCS 5/ 18c-7503(a)(i)

UNLAWFUL TRESPASS ON RAILROAD PROPERTY¹

In violation of SECTION 18c-7503(a)(i) of ACT 5 of CHAPTER 625 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), knowingly² walked³ upon⁴ the Union Central Railroad's right of way¹ located at 777 May Street, Union City, Illinois, a place other than a public crossing.

¹or rail yard; ²or intentionally or recklessly; ³or road, drove, or went; ⁴or along

NOTE: See Appendix B for discussion of necessity of alleging mental state.

NOTE: A defendant is also guilty of this offense when he or she is found to have: (a)(ii) entered or gone upon any railroad property; (a)(iii) without lawful authority or the railroad carrier's consent, rode on the outside of a train or inside a passenger car, locomotive, or freight car, including a box car, flatbed, or container; (a)(iv) willfully lead or contrived any animal to go upon the railroad's rights of way for any reason other than to pass over such rights of way at a marked public crossing; or (a)(v) thrown or caused to be thrown onto the railroad's rights of way any waste paper, ashes, household waste, glass, metal, tires, refuse, or rubbish.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: Created - P.A. 84-796 (January 1, 1986). Amended: P.A. 91-532

CHARGE: Misdemeanor (Class C)

BOND: \$120

625 ILCS 40/ 5-7(a)(2)

OPERATING A SNOWMOBILE WHILE UNDER THE INFLUENCE OF ALCOHOL¹

In violation of SECTION 5-7(a)(2) of ACT 40 of CHAPTER 625 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), knowingly² operated³ a snowmobile, a 2008 Jumbo Icecat with a registration number of 777XXX, near Union City, Illinois, while the defendant was under the influence of alcohol.⁴

¹or other drug or combination thereof; ²or intentionally or recklessly; ³or was in actual physical control of; ⁴or while (1) the alcohol concentration in such person's blood or breath is a concentration at which driving a motor vehicle is prohibited under subdivision (1) of subsection (a) of Section 11-501 of the Illinois Vehicle Code; or (3) under the influence of any other drug or combination of drugs to a degree which renders such person incapable of safely driving; 3.1 The person is under the influence of any intoxicating compound or combination of intoxication compounds to a degree that renders the person incapable of safely operation a snowmobile; or (4) under the combined influence of alcohol and any other drug or drugs or intoxicating compound or compounds to a degree which renders such person incapable of safely driving; or (5) there is any amount of a drug, substance, or compound in the person's blood or urine resulting from the unlawful use or consumption of cannabis as defined in the Cannabis Control Act or a controlled substance listed in the Illinois Controlled Substances Act, or intoxicating compounds listed in the use of Intoxicating Compounds Act.

CASE LAW: In *People v. Ziltz* (1983), 74 Ill. Dec. 40, the Illinois Supreme Court held that the offense of DUI was a strict liability offense. IPI Criminal 23.13 does not include a mental state. You must decide whether to include a mental state.

CHARGING NOTE: This offense is a Class 4 felony if: (1) the defendant has been convicted of violating this Section before; or (2) the offense results in personal injury where a person other than the defendant suffers great bodily harm or permanent disability or disfigurement, when the violation was a proximate cause of the injuries. (625 ILCS 40/5-7(d)) Also, this offense is a Class 2 felony if it results in the death of a person. (625 ILCS 40/5-7(e)) See Sentencing Guide and Appendix A for discussion.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: Created - P.A. 89-55 (Eff.: 1-1-96); Amended - P.A. 90-215, 92-615 and 93-156), 95-149 and 96-1000.

CHARGE: Misdemeanor (Class A)

BOND: \$1,500

625 ILCS 40/ 10-3

UNLAWFUL OPERATION OF A SNOWMOBILE

In violation of SECTION 10-3 of ACT 40 of CHAPTER 625 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), intentionally¹ operated a snowmobile, a 2008 Jumbo Icecat with a registration number of XXX777, near Union City, Illinois, at a time when his privilege to operate a snowmobile was suspended by the State of Illinois².

¹or knowingly or recklessly; ²or by another state, by a federal agency, or by province of Canada.

NOTE: See Appendix A for discussion of necessity of alleging mental state.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: Created by Public Act 89-55 (Eff: 1-1-96). Amended: 94-214 (Eff: 1-1-06).

CHARGE: Misdemeanor (Class A)

BOND: \$1,500

625 ILCS 45/ 5-16A(1)(b)

OPERATING A WATERCRAFT WHILE UNDER THE INFLUENCE OF ALCOHOL¹

In violation of SECTION 5-16A(1)(b) of ACT 45 of CHAPTER 625 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), knowingly² operated³ a watercraft, a 2008 Wavemaster Boat with a registration number of 777XXX, on Lake Union City near Union City, Illinois while the defendant was under the influence of alcohol.⁴

¹ or other drug or drugs, intoxicating compound or compounds, or combination thereof; ²or was in actual physical control of; ³or intentionally or recklessly; ⁴or while (a) the alcohol concentration in such person's blood or breath is a concentration at which driving a motor vehicle is prohibited under subdivision (1) of subsection (b) of Section 11-501 of the Illinois Vehicle Code; or (c) under the influence of any other drug or combination of drugs to a degree which renders such person incapable of safely driving; (c-1) Under the influence of any intoxicating compound or combination of intoxicating compounds to a degree that renders the person incapable of safely operating any watercraft; or (d) under the combined influence of alcohol and any other drug or drugs to a degree which renders such person incapable of safely driving; or (e) there is any amount of a drug, substance, or compound in the person's blood or urine resulting from the unlawful use or consumption of cannabis as listed in the Cannabis Control Act, a controlled substance listed in the Illinois Controlled Substances Act, or an intoxicating compounds listed in the Use of Intoxicating Compounds Act.

CHARGING NOTE: This offense is a Class 4 felony if: (1) the defendant has been convicted of violating this Section before; or (2) the offense results in personal injury where a person other than the defendant suffers great bodily harm or permanent disability or disfigurement, when the violation was a proximate cause of the injuries. (625 ILCS 45/5-16(d)) Also, this offense is a Class 2 felony if it results in the death of a person. (625 ILCS 45/5-16(e)) See Sentencing Guide and Appendix A for discussion.

CASE LAW: In People v. Ziltz (1983), 74 Ill. Dec. 40, the Illinois Supreme Court held that the offense of DUI was a strict liability offense. IPI Criminal 23.13 does not include a mental state. You must decide whether to include a mental state.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: Created - Laws 1959, p.1473 (Art. V, Sec. 11); Amended - Laws 1967, p.2217; P.A.s 82-783, 84-515, 85-147, 85-1328, 88-175,90-215, 92-615, 93-156, 94-214 and 95-149.

CHARGE: Misdemeanor (Class A)

BOND: \$1,500

625 ILCS 45/ 11A-5

UNLAWFUL OPERATION OF A WATERCRAFT

In violation of SECTION 11A-5 of ACT 45 of CHAPTER 625 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of , defendant, (defendant's name), intentionally¹ operated a watercraft, a 2008 Wavemaster Boat with a registration number of 777XXX, on Lake Union City, near Union City, Illinois, at a time when his privilege to operate a watercraft was suspended by the State of Illinois².

¹or knowingly or recklessly; ²or by another state, by a federal agency, or by province of Canada.

NOTE: See Appendix B for discussion of necessity of alleging mental state.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

CHARGE: Misdemeanor (Class A)

BOND: \$1,500

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