

CHAPTER 130: GENERAL PROVISIONS

Section

- 130.01 Definitions
- 130.02 Intent
- 130.03 Knowledge
- 130.04 Recklessness
- 130.05 Negligence
- 130.06 Attempt
- 130.07 Throwing, depositing, and distributing handbills

- 130.99 Penalty

§ 130.01 DEFINITIONS.

For the purposes of this title, the following words and phrases shall have the following meanings ascribed to them respectively.

ACT. The taking of action or a failure or omission to take action. (ILCS Ch. 720, Act 5, § 2-2)

ANOTHER. A person or persons other than the offender. (ILCS Ch. 720, Act 5, § 2-3)

CONDUCT. An act or a series of acts, and the accompanying mental state. (ILCS Ch. 720, Act 5, § 2-4)

OFFENSE. A violation of a penal statute of this village or state. (ILCS Ch. 720, Act 5, § 2-12)

§ 130.02 INTENT.

A person intends, or acts intentionally or with intent, to accomplish a result or engage in conduct described by the section defining the offense, when his/her conscious objective or purpose is to accomplish that result or engage in that conduct.
(ILCS Ch. 720, Act 5, § 4-4)

§ 130.03 KNOWLEDGE.

(A) A person knows, or acts knowingly or with knowledge of:

(1) The nature or attendant circumstances of his/her conduct, described by the section defining the offense, when he/she is consciously aware that his/her conduct is of such nature or that such circumstances exist. Knowledge of a material fact includes awareness of the substantial probability that the fact exists.

(2) The result of his/her conduct, described by the section defining the offense, when he/she is consciously aware that such result is practically certain to be caused by his/her conduct.

(B) Conduct performed knowingly or with knowledge is performed willfully, within the meaning of a statute using the latter term, unless the section clearly requires another meaning. (ILCS Ch. 720, Act 5, § 4-5)

§ 130.04 RECKLESSNESS.

A person is reckless or acts recklessly, when he/she consciously disregards a substantial and unjustifiable risk that circumstances exist or that a result will follow, described by the section defining the offense; and such disregard constitutes a gross deviation from the standard of care which a reasonable person would exercise in the situation. An act performed recklessly is performed wantonly, within the meaning of a section using the latter term, unless the statute clearly requires another meaning.

(ILCS Ch. 720, Act 5, § 4-6)

§ 130.05 NEGLIGENCE.

A person is negligent, or acts negligently, when he/she fails to be aware of a substantial and unjustifiable risk that circumstances exist or a result will follow, described by the statute defining the offense; and such failure constitutes a substantial deviation from the standard of care which a reasonable person would exercise in the situation.

(ILCS Ch. 720, Act 5, § 4-7)

§ 130.06 ATTEMPT.

(A) *Elements of the offense.* A person commits an attempt when, with intent to commit a specific offense, he/she does any act which constitutes a substantial step toward the commission of that offense.

(B) *Impossibility.* It shall not be a defense to a charge of attempt that because of a misapprehension of the circumstances it would have been impossible for the accused to commit the offense attempted.

(C) *Enforcement.* A person convicted of an attempt may be fined not to exceed the maximum provided for the offense attempted. If such fine exceeds that set forth in § 130.99 below, however, the village shall enforce said offense under the provisions of state law.
(ILCS Ch. 720, Act 5, § 8-4) Penalty, see § 130.99

§ 130.07 THROWING, DEPOSITING, AND DISTRIBUTING HANDBILLS.

(A) No person shall throw or deposit any commercial or noncommercial handbill in or on any sidewalk, street, or other public place within the village, or hand out or distribute or sell any commercial handbill in any public place. It shall not be unlawful on any sidewalk, street, or other public place within the village for any person to hand out or distribute, without charge to the receiver thereof, any noncommercial handbill to any person willing to accept it.

(B) No person shall throw or deposit any commercial or noncommercial handbill in or on any vehicle, provided that it shall not be unlawful in any public place for a person to hand out or distribute without charge to the receiver thereof a noncommercial handbill to any occupant of a vehicle who is willing to accept it.

(C) No person shall throw or deposit any commercial or noncommercial handbill in or on any private premises which are temporarily or continuously uninhabited or vacant.
(’79 Code, § 91.50) (Ord. 1431, passed 6-4-90) Penalty, see § 130.99

§ 130.99 PENALTY.

(A) Whoever violates any provisions of this title for which another penalty is not specifically provided shall be fined not less than \$25 nor more than \$750.

(B) A person convicted for a violation of § 133.01 whose violation was the proximate cause of an injury to a peace officer is guilty of a Class 4 felony. (ILCS Ch. 720, Act 5, § 31-1)

