22.00
INTERFERENCE WITH JUDICIAL AND OTHER GOVERNMENTAL FUNCTIONS

22.01 Definition Of Perjury

A person commits the offense of perjury when he, under [(oath) (affirmation)] knowingly makes a false statement, material to the issue or point in question, in [(a proceeding) (any matter)] where by law such [(oath) (affirmation)] is required, and at the time he makes the statement he does not believe the statement to be true.

Committee Note

720 ILCS 5/32-2(a) (West 2011) (formerly Ill.Rev.Stat. ch. 38, §32-2 (1991)).

Give Instruction 22.02.

Give Instruction 22.01A, defining "material".

Give Instruction 22.01B.

The materiality of the alleged false statement is a question of fact for the jury. United States v. Gaudin, 515 U.S. 506, 115 S.Ct. 2310, 132 L.Ed.2d 444 (1995).

The issue of whether an oath or affirmation is required is a question of law for the court. People v. Dyer, 51 Ill.App.3d 731, 734, 366 N.E.2d 572 (5th Dist. 1977).

The language of the perjury statute does not require the alleged false statement to be before the trier of fact or anyone else. People v. Davis, 164 Ill.2d 309, 311, 647 N.E.2d 977 (1995). The pertinent inquiry is not whether the statement did in fact influence the trier of fact, but whether it could have influenced the trier of fact. *Davis*, 164 Ill.2d at 316 (J. McMorrow concurring), citing 70 CJS, *Perjury* §13, at 262 (1987).

Knowledge of the falsity of the statement at the time it was made is an essential element of the crime of perjury. People v. Kang, 269 Ill.App.3d 546, 552, 646 N.E.2d 279 (4th Dist. 1995), citing People v. Taylor, 6 Ill.App.3d 961, 963, 286 N.E.2d 122 (4th Dist. 1972). In other words, the perjury statute requires the defendant not believe the false statement is true at the time he or she made the false statement. People v. Penn, 177 Ill.App.3d 179, 182, 533 N.E.2d 383 (5th Dist. 1988).

"Materiality is derived from the relationship between the proposition of the allegedly false statement and the issues in the case. The test of materiality for an allegedly perjured statement is whether the statement tends to prove or disprove an issue in the case." *Acevado,* 275 Ill.App.3d at 423 (internal citations omitted).

Use applicable bracketed material.

The brackets are provided solely for the guidance of court and counsel and should not be included in the instruction submitted to the jury.

22.01a Definition Of Material

A statement is material when it did influence or could have influenced [(the) (a)] [(trier of fact) (decision maker)] on any issue or point in question. In other words, the test for materiality is whether the statement tends to disprove or prove an issue in the case.

Materiality is, therefore, derived from the relationship between the proposition of the allegedly false statement(s) and the issue(s) in the case.

The materiality of a statement is to be determined at the time the statement was made and with reference to the circumstances existing at the time the statement was made without regard to subsequent events.

[The statement, however, does not have to be made in the presence of [(the) (a)] [(trier of fact) (decision maker)] or anyone else to be material.]

Committee Note

735 ILCS 5/32-2 (West 2011) (formerly Ill.Rev.Stat. ch. 38, §32-2 (1991)).

Give Instruction 22.01B.

The language of the perjury statute does not require the alleged false statement to be before the trier of fact or anyone else. People v. Davis, 164 Ill.2d 309, 311, 647 N.E.2d 977 (1995).

The materiality of the alleged false statement is a question of fact for the jury. United States v. Gaudin, 515 U.S. 506, 115 S.Ct. 2310, 132 L.Ed.2d 444 (1995).

The issue of whether an oath or affirmation is required is a question of law for the court. People v. Dyer, 51 Ill.App.3d 731, 734, 366 N.E.2d 572 (5th Dist. 1977).

The materiality of the false statement is to be determined at the time the statement was made. *Davis,* 164 Ill.2d at 316 (J. McMorrow concurring), quoting 70 C.J.S., *Perjury* §13, at 262. The rationale for this proposition derives from case law which holds that a statement is material when it did influence or could have influenced, the trier of fact. People v. Acevado, 275 Ill.App.3d 420, 423, 656 N.E.2d 118 (2d Dist. 1995); People v. Briddle, 84 Ill.App.3d 523, 527 (2d Dist. 1980); see also United States v. Novek, 273 U.S. 202, 206, 47 S.Ct. 341, 71 L.Ed. 610 (1927). "The crime of perjury is complete when the oath is taken with the necessary intent, although the false affidavit is never used", United States v. McKenna, 327 F.3d 830, 839 (9th Cir. 2003); United States v. Stone, 429 F.2d 138, 140-41 (2d Cir. 1970); 60A Am Jur 2d, Perjury §29.

"Materiality is derived from the relationship between the proposition of the allegedly false statement and the issues in the case. The test of materiality for an allegedly perjured statement is whether the statement tends to prove or disprove an issue in the case." *Acevado,* 275 Ill.App.3d at 423 (internal citations omitted).

"A statement can be neither material nor immaterial in itself, but its materiality must be determined in accordance with its relations to some extraneous matter." People v. Toner, 55 Ill.App.3d 688, 693, 371 N.E.2d 270 (1st Dist. 1977); People v. Harris, 102 Ill.App.2d 335, 337, 242 N.E.2d 782 (5th Dist. 1968), quoting 70 CJS, *Perjury*, par. 11, p. 466.

Use applicable bracketed material.

The brackets are provided solely for the guidance of court and counsel and should not be included in the instruction submitted to the jury.

22.01B An Oath Or Affirmation Was Required

In the [(proceeding) (matter)] in question, an [(oath) (affirmation)] was required.

Committee Note

The issue of whether an oath or affirmation was required is a question of law for the court rather than a question of fact for the jury. People v. Dyer, 51 Ill.App.3d 731, 734, 366 N.E.2d 572 (5th Dist. 1977). Though that portion of Dyer which holds that materiality is a question of law is no longer good law, the Committee believes that whether an oath or affirmation was required remains a question of law because this issue is governed by statute. The construction of a statute is a question of law. People v. Smith, 236 Ill.2d 162, 167, 923 N.E.2d 259 (2010).

22.02 Issues In Perjury

To sustain the charge of perjury, the State must prove the following propositions:

First Proposition: That while under [(oath) (affirmation)], the defendant knowingly made a false statement; and

Second Proposition: That the false statement was material to the issue or point in question when the statement was made; and

Third Proposition: That the defendant believed at the time he made the statement that the statement was not true.

If you find from your consideration of all the evidence that each one of these propositions has been proved beyond a reasonable doubt, you should find the defendant guilty.

If you find from your consideration of all the evidence that any one of these propositions has not been proved beyond a reasonable doubt, you should find the defendant not guilty.

Committee Note

720 ILCS 5/32-2(a) (West 2011) (formerly Ill.Rev.Stat. ch. 38, §32-2 (1991)).

Give Instruction 22.01.

Give Instruction 22.01A, defining "material".

Give Instruction 22.01B.

The materiality of the alleged false statement is a question of fact for the jury. United States v. Gaudin, 515 U.S. 506, 115 S.Ct. 2310, 132 L.Ed.2d 444 (1995).

The issue of whether an oath or affirmation is required is a question of law for the court. People v. Dyer, 51 Ill.App.3d 731, 734, 366 N.E.2d 572 (5th Dist. 1977).

The language of the perjury statute does not require the alleged false statement to be before the trier of fact or anyone else. People v. Davis, 164 Ill.2d 309, 311, 647 N.E.2d 977 (1995). The pertinent inquiry is not whether the statement did in fact influence the trier of fact, but whether it could have influenced the trier of fact. *Davis*, 164 Ill.2d at 316 (J. McMorrow concurring), citing 70 CJS, *Perjury* §13, at 262 (1987).

Knowledge of the falsity of the statement made at the time it was made is an essential element of the crime of perjury. People v. Kang, 269 Ill.App.3d 546, 552, 646 N.E.2d 279 (4th Dist. 1995), citing People v. Taylor, 6 Ill.App.3d 961, 963, 286 N.E.2d 122 (4th Dist. 1972). In other words, the perjury statute requires the defendant not believe the false statement is true at the time he or she made the false statement. People v. Penn, 177 Ill.App.3d 179, 182, 533 N.E.2d 383 (5th Dist. 1988).

"Materiality is derived from the relationship between the proposition of the allegedly false statement and the issues in the case. The test of materiality for an allegedly perjured statement is whether the statement tends to prove or disprove an issue in the case." *Acevado,* 275 Ill.App.3d at 423 (internal citations omitted).

Use applicable bracketed material.

The brackets are provided solely for the guidance of court and counsel and should not be included in the instruction submitted to the jury.

22.03 Definition Of Perjury--Contradictory Statements

A person commits the offense of perjury when he, under [(oath) (affirmation)], knowingly makes contradictory statements material to the issue or point in question, in [(the same proceeding) (different proceedings)] where by law such [(oath) (affirmation)] is required and at the time he made the statements he did not believe both statements to be true. The State need not establish which statement is false.

Committee Note

720 ILCS 5/32-2(b) (West 2011) (formerly Ill.Rev.Stat. ch. 38, §32-2 (1991)).

Give Instruction 22.04.

Give Instruction 22.01A, defining "material".

Give Instruction 22.01B.

Section (b) of the perjury statute is merely an alternative method of proving perjury, not a new or different offense. People v. Penn, 177 Ill.App.3d 179, 183, 533 N.E.2d 383 (5th Dist. 1988).

The materiality of the alleged false statement is a question of fact for the jury. United States v. Gaudin, 515 U.S. 506, 115 S.Ct. 2310, 132 L.Ed.2d 444 (1995).

The issue of whether an oath or affirmation is required is a question of law for the court. People v. Dyer, 51 Ill.App.3d 731, 734, 366 N.E.2d 572 (5th Dist. 1977).

The language of the perjury statute does not require the alleged false statement to be before the trier of fact or anyone else. People v. Davis, 164 Ill.2d 309, 311, 647 N.E.2d 977 (1995). The pertinent inquiry is not whether the statement did in fact influence the trier of fact, but whether it could have influenced the trier of fact. *Davis,* 164 Ill.2d at 316 (J. McMorrow concurring), citing 70 CJS, *Perjury* §13, at 262 (1987).

Knowledge of the falsity of the statement made at the time it was made is an essential element of the crime of perjury. People v. Kang, 269 Ill.App.3d 546, 552, 646 N.E.2d 279 (4th Dist. 1995), citing People v. Taylor, 6 Ill.App.3d 961, 963, 286 N.E.2d 122 (4th Dist. 1972). In other words, the perjury statute requires the defendant not believe the false statement is true at the time he or she made the false statement. People v. Penn, 177 Ill.App.3d 179, 182, 533 N.E.2d 383 (5th Dist. 1988).

"Materiality is derived from the relationship between the proposition of the allegedly false statement and the issues in the case. The test of materiality for an allegedly perjured statement is whether the statement tends to prove or disprove an issue in the case." *Acevado,* 275 Ill.App.3d at 423 (internal citations omitted).

Use applicable bracketed material.

The brackets are provided solely for the guidance of court and counsel and should not be

included in the instruction submitted to the jury.

22.04 Issues In Perjury--Contradictory Statements

To sustain the charge of perjury, the State must prove the following propositions:

First Proposition: That while under [(oath) (affirmation)] the defendant knowingly made contradictory statements; and

Second Proposition: That the contradictory statements were material to the issue or point in question; and

Third Proposition: That at the time the defendant made the statements he did not believe both statements to be true.

If you find from your consideration of all the evidence that each one of these propositions has been proved beyond a reasonable doubt, you should find the defendant guilty.

If you find from your consideration of all the evidence that any one of these propositions has not been proved beyond a reasonable doubt, you should find the defendant not guilty.

Committee Note

720 ILCS 5/32-2(a) and (b) (West 2011) (formerly Ill.Rev.Stat. ch. 38, §32-2(a) and (b) (1991)).

Give Instruction 22.03.

Give Instruction 22.01A, defining "material".

Give Instruction 22.01B.

Section (b) of the perjury statute is merely an alternative method of proving perjury, not a new or different offense. People v. Penn, 177 Ill.App.3d 179, 183, 533 N.E.2d 383 (5th Dist. 1988).

The materiality of the alleged false statement is a question of fact for the jury. United States v. Gaudin, 515 U.S. 506, 115 S.Ct. 2310, 132 L.Ed.2d 444 (1995).

The issue of whether an oath or affirmation is required is a question of law for the court. People v. Dyer, 51 Ill.App.3d 731, 734, 366 N.E.2d 572 (5th Dist. 1977).

The language of the perjury statute does not require the alleged false statement to be before the trier of fact or anyone else. People v. Davis, 164 Ill.2d 309, 311, 647 N.E.2d 977 (1995). The pertinent inquiry is not whether the statement did in fact influence the trier of fact, but whether it could have influenced the trier of fact. *Davis*, 164 Ill.2d at 316 (J. McMorrow concurring), citing 70 CJS, *Perjury* §13, at 262 (1987).

Knowledge of the falsity of the statement made at the time it was made is an essential element of the crime of perjury. People v. Kang, 269 Ill.App.3d 546, 552, 646 N.E.2d 279 (4th Dist. 1995), citing People v. Taylor, 6 Ill.App.3d 961, 963, 286 N.E.2d 122 (4th Dist. 1972). In other words, the perjury statute requires the defendant not believe the false statement is true at the time he or she made the false statement. People v. Penn, 177 Ill.App.3d 179, 182, 533 N.E.2d 383 (5th Dist. 1988).

"Materiality is derived from the relationship between the proposition of the allegedly

false statement and the issues in the case. The test of materiality for an allegedly perjured statement is whether the statement tends to prove or disprove an issue in the case." *Acevado,* 275 Ill.App.3d at 423 (internal citations omitted).

Use applicable bracketed material.

The brackets are provided solely for the guidance of court and counsel and should not be included in the instruction submitted to the jury.

22.05 Definition Of Subornation Of Perjury

A person commits the offense of subornation of perjury when:

He knowingly [(procures) (induces)] another to make a false statement under [(oath) (affirmation)], material to the issue or point in question, in [(a proceeding) (any other matter)] where by law such [(oath) (affirmation)] is required and that when defendant did so, he did not believe the statement(s) to be true.

[or] He knowingly [(procures) (induces)] another to make contradictory statements under [(oath) (affirmation)], material to the issue or point in question, in [(a proceeding) (any other matter)] where by law such [(oath) (affirmation)] is required and at the time he [(procures) (induces)] another to make contradictory statements he did not believe both statement(s) to be true. The State need not establish which statement is false.

Committee Note

720 ILCS 5/32-3 (West 2011) (formerly Ill.Rev.Stat. ch. 38, §32-3 (1991)).

Give Instruction 22.06.

Give Instruction 22.01A, defining "material".

Give Instruction 22.01B.

The first paragraph should be given when the State is alleging subornation by false statement or statements. The second paragraph should be given when the State is alleging subornation by contradictory statements.

Section (b) of the perjury statute is merely an alternative method of proving perjury, not a new or different offense. People v. Penn, 177 Ill.App.3d 179, 183, 533 N.E.2d 383 (5th Dist. 1988).

The materiality of the alleged false statement is a question of fact for the jury. United States v. Gaudin, 515 U.S. 506, 115 S.Ct. 2310, 132 L.Ed.2d 444 (1995).

The issue of whether an oath or affirmation is required is a question of law for the court. People v. Dyer, 51 Ill.App.3d 731, 734, 366 N.E.2d 572 (5th Dist. 1977).

The language of the perjury statute does not require the alleged false statement to be before the trier of fact or anyone else. People v. Davis, 164 Ill.2d 309, 311, 647 N.E.2d 977 (1995). The pertinent inquiry is not whether the statement did in fact influence the trier of fact, but whether it could have influenced the trier of fact. *Davis*, 164 Ill.2d at 316 (J. McMorrow concurring), citing 70 CJS, *Perjury* §13, at 262 (1987).

Knowledge of the falsity of the statement made at the time it was made is an essential element of the crime of perjury. People v. Kang, 269 Ill.App.3d 546, 552, 646 N.E.2d 279 (4th Dist. 1995), citing People v. Taylor, 6 Ill.App.3d 961, 963, 286 N.E.2d 122 (4th Dist. 1972). In other words, the perjury statute requires the defendant not believe the false statement is true at

the time he or she made the false statement. People v. Penn, 177 Ill.App.3d 179, 182, 533 N.E.2d 383 (5th Dist. 1988).

"Materiality is derived from the relationship between the proposition of the allegedly false statement and the issues in the case. The test of materiality for an allegedly perjured statement is whether the statement tends to prove or disprove an issue in the case." *Acevado,* 275 Ill.App.3d at 423 (internal citations omitted).

Use applicable bracketed materials.

The brackets are provided solely for the guidance of court and counsel and should not be included in the instruction submitted to the jury.

22.06 Issues In Subornation Of Perjury

To sustain the charge of subornation of perjury, the State must prove the following propositions:

First Proposition: That the defendant knowingly [(procured) (induced)] ____ to make [(a false statement) (contradictory statements)] under [(oath) (affirmation)]; and

Second Proposition: That the [(false statement) (contradictory statements)] [(was) (were)] material to the issue or point in question; and

Third Proposition: That at the time the defendant [(procured) (induced)] ____ to make a false statement the defendant did not believe the statement(s) to be true.

[or]

Third Proposition: That at the time the defendant [(procured) (induced)] ____ to make contradictory statements he did not believe both statements to be true.

If you find from your consideration of all the evidence that each one of these propositions has been proved beyond a reasonable doubt, you should find the defendant guilty.

If you find from your consideration of all the evidence that any one of these propositions has not been proved beyond a reasonable doubt, you should find the defendant not guilty.

Committee Note

720 ILCS 5/32-3 (West 2011) (formerly Ill.Rev.Stat. ch 38, §32-3 (1991)).

Give Instruction 22.05

Give Instruction 22.01A, defining “material”.

Give Instruction 22.01B.

Insert in the blank the name of the person whom the defendant induced to make the allegedly false statement.

The first alternative Third Proposition should be given when the State is alleging subornation by false statement or statements. The second alternative Third Proposition should be given when the State is alleging subornation by contradictory statements.

Section (b) of the perjury statute is merely an alternative method of proving perjury, not a new or different offense. People v. Penn, 177 Ill.App.3d 179, 183, 533 N.E.2d 383 (5th Dist. 1988).

The materiality of the alleged false statement is a question of fact for the jury. United States v. Gaudin, 515 U.S. 506, 115 S.Ct. 2310, 132 L.Ed.2d 444 (1995).

The issue of whether an oath or affirmation is required is a question of law for the court. People v. Dyer, 51 Ill.App.3d 731, 734, 366 N.E.2d 572 (5th Dist. 1977).

The language of the perjury statute does not require the alleged false statement to be

before the trier of fact or anyone else. People v. Davis, 164 Ill.2d 309, 311, 647 N.E.2d 977 (1995). The pertinent inquiry is not whether the statement did in fact influence the trier of fact, but whether it could have influenced the trier of fact. *Davis*, 164 Ill.2d at 316 (J. McMorrow concurring), citing 70 CJS, *Perjury* §13, at 262 (1987).

Knowledge of the falsity of the statement made at the time it was made is an essential element of the crime of perjury. People v. Kang, 269 Ill.App.3d 546, 552, 646 N.E.2d 279 (4th Dist. 1995), citing People v. Taylor, 6 Ill.App.3d 961, 963, 286 N.E.2d 122 (4th Dist. 1972). In other words, the perjury statute requires the defendant not believe the false statement is true at the time he or she made the false statement. People v. Penn, 177 Ill.App.3d 179, 182, 533 N.E.2d 383 (5th Dist. 1988).

"Materiality is derived from the relationship between the proposition of the allegedly false statement and the issues in the case. The test of materiality for an allegedly perjured statement is whether the statement tends to prove or disprove an issue in the case." *Acevado*, 275 Ill.App.3d at 423 (internal citations omitted).

Use applicable bracketed material.

The brackets are provided solely for the guidance of court and counsel and should not be included in the instruction submitted to the jury.

When accountability is an issue, ordinarily insert the phrase "or one for whose conduct he is legally responsible" after the word "defendant" in each proposition. Give Instruction 5.03.

22.07 Definition Of Communicating With A Juror

A person commits the offense of communicating with a juror when he communicates directly or indirectly with a person whom he believes has been summoned as a juror, with intent to influence that person regarding any matter which [(is) (may be brought)] before him in his capacity as a juror.

Committee Note

720 ILCS 5/32-4(a) (West, 1999) (formerly Ill.Rev.Stat. ch. 38, §32-4(a) (1991)).

Give Instruction 22.08.

Use applicable bracketed material.

22.08 Issues In Communicating With A Juror

To sustain the charge of communicating with a juror, the State must prove the following propositions:

First Proposition: That the defendant communicated directly or indirectly with ____; and

Second Proposition: That when he did so, the defendant believed ____ had been summoned as a juror; and

Third Proposition: That when he did so, the defendant intended to influence ____ regarding a matter which [(was) (might have been brought)] before ____ in his capacity as a juror.

If you find from your consideration of all the evidence that each one of these propositions has been proved beyond a reasonable doubt, you should find the defendant guilty.

If you find from your consideration of all the evidence that any one of these propositions has not been proved beyond a reasonable doubt, you should find the defendant not guilty.

Committee Note

720 ILCS 5/32-4(a) (West, 1999) (formerly Ill.Rev.Stat. ch. 38, §32-4(a) (1991)).

Give Instruction 22.07.

Insert in the blank the name of the juror.

Use applicable bracketed material.

When accountability is an issue, ordinarily insert the phrase "or one for whose conduct he is legally responsible" after the word "defendant" in each proposition. See Instruction 5.03.

22.09 Definition Of Communicating With A Witness (Until January 1, 1995)

A person commits the offense of communicating with a witness when he, with the intent to deter any party or witness from testifying freely, fully, and truthfully to any matter pending [(in) (before)] [(a court) (a Grand Jury) (an administrative agency) (any State or local governmental unit)],

forcibly detains the party or witness.

[or]

communicates directly or indirectly to the party or witness any [(knowingly false information) (threat of injury or damage to the property or person of [(the party or witness) (a relative of the party or witness)])].

[or]

[(offers) (delivers)] money [or other thing of value] to [(the party or witness) (a relative of the party or witness)].

Committee Note

720 ILCS 5/32-4(b) (West 1992) (formerly Ill.Rev.Stat. ch. 38, §32-4(b) (1991)).

P.A. 88-680, effective January 1, 1995, substantively amended Section 32-4(b). As a result, this instruction may be used only in cases in which the alleged communication with a witness occurred before January 1, 1995. For offenses allegedly committed on or after January 1, 1995, use Instruction 22.09X.

Give Instruction 22.10.

Use applicable paragraphs and bracketed material.

22.09X Definition Of Communicating With A Witness (As Of January 1, 1995)

A person commits the offense of communicating with a witness when he, with the intent to deter any party or witness from testifying freely, fully, and truthfully to any matter pending [(in) (before)] [(a court) (a Grand Jury) (an administrative agency) (any State or local governmental unit)],

[1] forcibly detains the party or witness.

[or]

[2] communicates directly or indirectly to the party or witness any [(knowingly false information) (threat of injury or damage to the property or person of any individual)].

[or]

[3] [(offers) (delivers) (threatens to withhold)] money [or other thing of value] [(to) (from)] any individual.

Committee Note

720 ILCS 5/32-4(b) (West 1992) (formerly Ill.Rev.Stat. ch. 38, §32-4(b) (1991)), amended by P.A. 88-680, effective January 1, 1995; and P.A. 89-377, effective August 18, 1995.

P.A. 88-680, effective January 1, 1995, substantively amended Section 32-4(b). As a result, use this instruction for cases in which the alleged communication with a witness occurred on or after January 1, 1995. For offenses allegedly committed prior to January 1, 1995, use Instruction 22.09.

Give Instruction 22.10X.

The bracketed numbers in this instruction correspond with the bracketed numbers in Instruction 22.10X. Select the alternative that corresponds to the alternative set of propositions selected in the issues instruction.

Use applicable paragraphs and bracketed material.

The bracketed numbers are present solely for the guidance of court and counsel and should not be included in the instruction submitted to the jury.

22.10 Issues In Communicating With A Witness (Until January 1, 1995)

To sustain the charge of communicating with a witness, the State must prove the following propositions:

First Proposition: That the defendant forcibly detained [(party or witness)]; and

Second Proposition: That when the defendant did so, [(party or witness)] was a party or witness in a matter pending [(in) (before)] [(a court) (a Grand Jury) (an administrative agency) (any State or local governmental unit)]; and

Third Proposition: That when the defendant did so, he intended to deter [(party or witness)] from testifying freely, fully, and truthfully in the matter pending [(in) (before)] [(a court) (a Grand Jury) (an administrative agency) (any State or local governmental unit)].

[or]

First Proposition: That the defendant communicated directly or indirectly with [(party or witness)]; and

Second Proposition: That when the defendant did so, [(party or witness)] was a party or witness in a matter pending [(in) (before)] [(a court) (a Grand Jury) (an administrative agency) (any State or local governmental unit)]; and

Third Proposition: That the defendant communicated knowingly false information to [(party or witness)]; and

Fourth Proposition: That when the defendant did so, he intended to deter [(party or witness)] from testifying freely, fully, and truthfully to the matter pending [(in) (before)] [(a court) (a Grand Jury) (an administrative agency) (any State or local governmental unit)].

[or]

First Proposition: That the defendant communicated directly or indirectly with [(party or witness)]; and

Second Proposition: That when the defendant did so, [(party or witness)] was a party or witness in a matter pending [(in) (before)] [(a court) (a Grand Jury) (an administrative agency) (any State or local governmental unit)]; and

Third Proposition: That the defendant communicated a threat of injury or damage to the person or property of [(party or witness)]; and

Fourth Proposition: That when the defendant did so, he intended to deter [(party or witness)] from testifying freely, fully, and truthfully to the matter pending [(in) (before)] [(a court) (a Grand Jury) (an administrative agency) (any State or local governmental unit)].

[or]

First Proposition: That the defendant communicated directly or indirectly with [(party or witness)]; and

Second Proposition: That when the defendant did so, [(party or witness)] was a party or witness in a matter pending [(in) (before)] [(a court) (a Grand Jury) (an administrative agency) (any State or local governmental unit)]; and

Third Proposition: That the defendant communicated a threat of injury or damage to the person or property of [(relative)]; and

Fourth Proposition: That when the defendant did so, [(relative)] was a relative of [(party or witness)]; and

Fifth Proposition: That when the defendant did so, he intended to deter [(party or witness)] from testifying freely, fully, and truthfully to the matter pending [(in) (before)] [(a court) (a Grand Jury) (an administrative agency) (any State or local governmental unit)].

[or]

First Proposition: That the defendant [(offered) (delivered)] money [or other thing of value] to any individual; and

Second Proposition: That when he did so, [(party or witness)] was a party or witness in a matter pending [(in) (before)] [(a court) (a Grand Jury) (an administrative agency) (any State or local governmental unit)]; and

Third Proposition: That when he did so, the defendant intended to deter [(party or witness)] from testifying freely, fully, and truthfully in a matter pending [(in) (before)] [(a court) (a Grand Jury) (an administrative agency) (any State or local governmental unit)].

If you find from your consideration of all the evidence that each one of these propositions has been proved beyond a reasonable doubt, you should find the defendant guilty.

If you find from your consideration of all of the evidence that any one of these propositions has not been proved beyond a reasonable doubt, you should find the defendant not guilty.

Committee Note

720 ILCS 5/32-4(b) (West 1992) (formerly Ill.Rev.Stat. ch. 38, §32-4(b) (1991)).

P.A. 88-680, effective January 1, 1995, substantively amended Section 32-4(b). As a result, this instruction may be used only in cases in which the alleged communication with a witness occurred before January 1, 1995. For offenses allegedly committed on or after January 1, 1995, use Instruction 22.10X.

Give Instruction 22.09.

Insert in the appropriate blanks the name of the party or witness and the relative of the party or witness.

When accountability is an issue, ordinarily insert the phrase “or one for whose conduct he is legally responsible” after the word “defendant” in each proposition. See Instruction 5.03.

22.10X Issues In Communicating With A Witness (As Of January 1, 1995)

To sustain the charge of communicating with a witness, the State must prove the following propositions:

[1] *First Proposition:* That the defendant forcibly detained ____; and

Second Proposition: That when the defendant did so, ____ was a party or witness in a matter pending [(in) (before)] [(a court) (a Grand Jury) (an administrative agency) (any State or local governmental unit)]; and

Third Proposition: That when the defendant did so, he intended to deter ____ from testifying freely, fully, and truthfully in the matter pending [(in) (before)] [(a court) (a Grand Jury) (an administrative agency) (any State or local governmental unit)].

[or]

[2] *First Proposition:* That the defendant communicated directly or indirectly with ____; and

Second Proposition: That when the defendant did so, ____ was a party or witness in a matter pending [(in) (before)] [(a court) (a Grand Jury) (an administrative agency) (any State or local governmental unit)]; and

Third Proposition: That the defendant communicated [(knowingly false information to ____) (a threat of injury or damage to the person or property of any individual)]; and

Fourth Proposition: That when the defendant did so, he intended to deter ____ from testifying freely, fully, and truthfully to the matter pending [(in) (before)] [(a court) (a Grand Jury) (an administrative agency) (any State or local governmental unit)].

[or]

[3] *First Proposition:* That the defendant [(offered) (delivered) (threatened to withhold)] money [or other thing of value] [(to) (from)] any individual; and

Second Proposition: That when he did so, ____ was a party or witness in a matter pending [(in) (before)] [(a court) (a Grand Jury) (an administrative agency) (any State or local governmental unit)]; and

Third Proposition: That when he did so, the defendant intended to deter ____ from testifying freely, fully, and truthfully in a matter pending [(in) (before)] [(a court) (a Grand Jury) (an administrative agency) (any State or local governmental unit)].

If you find from your consideration of all the evidence that each one of these propositions has been proved beyond a reasonable doubt, you should find the defendant guilty.

If you find from your consideration of all of the evidence that any one of these propositions has not been proved beyond a reasonable doubt, you should find the defendant not guilty.

Committee Note

720 ILCS 5/32-4(b) (West 1992) (formerly Ill.Rev.Stat. ch. 38, §32-4(b) (1991)), amended by P.A. 88-680, effective January 1, 1995; and P.A. 89-377,effective August 18, 1995.

P.A. 88-680, effective January 1, 1995, substantively amended Section 32-4(b). As a result, use this instruction for cases in which the alleged communication with a witness occurred

on or after January 1, 1995. For offenses allegedly committed prior to January 1, 1995, use Instruction 22.10.

Give Instruction 22.09X.

The bracketed numbers in this instruction correspond with the bracketed numbers in Instruction 22.09X. Select the alternative set of propositions that corresponds to the alternative selected in the definitional instruction.

Insert in the blanks the name of the party or witness.

When accountability is an issue, ordinarily insert the phrase “or one for whose conduct he is legally responsible” after the word “defendant” in each proposition. See Instruction 5.03.

22.11 Definition Of Harassment Of A Juror Or Witness--Communication Producing Mental Anguish Or Emotional Distress (Until January 1, 1995)

A person commits the offense of harassment of a [(juror) (witness)] when he, with the intent to harass or annoy one who [(has served as a juror, because of the verdict returned by the jury or the participation of the juror in the verdict) (has served as a witness, because of the testimony of the witness) (may be expected to serve as a witness in a pending legal proceeding, because of the potential testimony of the witness)], communicates directly or indirectly with the [(juror) (witness)] in such a manner as to produce mental anguish or emotional distress.

Committee Note

P.A. 88-680, effective January 1, 1995, substantively amended Section 32-4a. As a result, this instruction may be used only in cases in which the alleged harassment of a juror or witness occurred before January 1, 1995. For offenses allegedly committed on or after January 1, 1995, use Instruction 22.11Y.

720 ILCS 5/32-4a (West 1992) (formerly Ill.Rev.Stat. ch. 38, §32-4a (1991)), as amended by P.A. 88-276, effective January 1, 1994.

Give Instruction 22.12.

Use this instruction when a communication producing mental anguish or emotional distress to a juror or witness is the conduct charged. When conveying a threat to a juror or witness is the conduct charged, use Instruction 22.11X.

For offenses allegedly committed prior to January 1, 1995, use this instruction when a communication producing mental anguish or emotional distress to a juror or witness is the conduct charged. When conveying a threat to a juror or witness is the conduct charged, use Instruction 22.11X.

Use applicable bracketed material.

22.11X Definition Of Harassment Of A Juror Or Witness--Conveying A Threat (Until January 1, 1995)

A person commits the offense of harassment of a [(juror) (witness)] when he, with the intent to harass or annoy one who [(has served as a juror, because of the verdict returned by the jury or the participation of the juror in the verdict) (has served as a witness, because of the testimony of the witness) (may be expected to serve as a witness in a pending legal proceeding, because of the potential testimony of the witness)], conveys a threat of injury or damage to the property or person of [any relative of] the [(juror) (witness)].

Committee Note

P.A. 88-680, effective January 1, 1995, substantively amended Section 32-4a. As a result, this instruction may be used only in cases in which the alleged harassment of a juror or witness occurred before January 1, 1995. For offenses allegedly committed on or after January 1, 1995, use Instruction 22.11Y.

720 ILCS 5/32-4a (West 1992) (formerly Ill.Rev.Stat. ch. 38, §32-4a (1991)), as amended by P.A. 88-276, effective January 1, 1994.

Give Instruction 22.12X.

For offenses allegedly committed prior to January 1, 1995, use this instruction when conveying a threat to a juror or witness is the conduct charged. When a communication producing mental anguish or emotional distress to a juror or witness is the conduct charged, use Instruction 22.11.

Use applicable bracketed material.

22.11y Definition Of Harassment Of A Juror, Witness, Or Family Member Of A Juror Or Witness (As Of January 1, 1995)

A person commits the offense of harassment of a [(juror) (witness) [family member of a (juror) (witness)]] when he, with the intent to harass or annoy [(one) (a family member of one)] who [(has served or is serving as a juror, because of the verdict returned by the jury in a pending legal proceeding or the participation of the juror in the verdict) (has served or is serving as a witness in a pending legal proceeding, because of the testimony of the witness) (may be expected to serve as a witness in a pending legal proceeding, because of the potential testimony of the witness)],

[1] communicates directly or indirectly with the [(juror) (witness) [family member of a (juror) (witness)]] in such a manner as to produce mental anguish or emotional distress.

[or]

[2] conveys a threat of injury or damage to the property or person of such [(juror) (witness) [family member of a (juror) (witness)]].

Committee Note

720 ILCS 5/32-4a (West 1992) (formerly Ill.Rev.Stat. ch. 38, §32-4a (1991)), as amended by P.A. 88-276, effective January 1, 1994; and P.A. 88-680, effective January 1, 1995; P.A. 89-686, effective June 1, 1997; P.A. 90-126, effective January 1, 1998.

P.A. 88-680, effective January 1, 1995, substantively amended Section 32-4a. As a result, use this instruction for all cases in which the alleged harassment of a juror or witness occurred on or after January 1, 1995. For offenses allegedly committed prior to January 1, 1995, see Instruction 22.11 ad 22.11X.

P.A. 90-126, effective January 1, 1998, added family members of jurors and witnesses to those covered by the statute.

Give Instruction 22.12Y.

The bracketed numbers in this instruction correspond with the bracketed numbers in Instruction 22.12Y. Select the alternative that corresponds to the alternative selected from the issues instruction.

The bracketed numbers are present solely for the guidance of court and counsel and should not be included in the instruction submitted to the jury.

Use applicable paragraphs and bracketed material.

22.11Z Definition Of Family Member

The term “family member” means a spouse, parent, child, stepchild, or other person related by blood or by present marriage; a person who has, or allegedly has, a child in common; and a person who shares, or allegedly shares, a blood relationship through a child.

Committee Note

720 ILCS 5/32-4a(c), added by P.A. 90-126, effective January 1, 1998.

22.11AA Definition Of Harassment Of A Child Representative Or Family Member Of A Child Representative

A person commits the offense of harassment of a [(child representative) (family member of a child representative)] when he, with the intent to harass or annoy [(one) (a family member of one)] who [(has served) (is serving)] as a representative for the child, because of the representative service of that capacity,

[1] communicates directly or indirectly with the [(representative) (family member of the representative)] in such manner as to produce mental anguish or emotional distress.

[or]

[2] conveys a threat of injury or damage to the property or person of any [(representative) (family member of a representative)].

Committee Note

720 ILCS 32-4a(b), effective June 1, 1997, amended by P.A. 90-126, effective January 1, 1998.

Give Instructions 22.11BB and 22.12AA.

The bracketed numbers are present solely for the guidance of court and counsel and should not be included in the instruction submitted to the jury.

Use applicable paragraphs and bracketed material.

22.11bb Definition Of Representative For The Child

The term "representative for the child" includes a person appointed under Section 506 of the Illinois Marriage and Dissolution of Marriage Act; or appointed under Section 12 of the Uniform Child Custody Jurisdiction Act; or appointed under Section 2-502 of the Code of Civil Procedure.

Committee Note

720 ILCS 32-4a(b), effective June 1, 1997, amended by P.A. 90-126, effective January 1, 1998.

Give Instructions 22.11AA and 22.12AA.

Section 506 of the Illinois Marriage and Dissolution Act is found at 750 ILCS 5/506. Section 12 of the Uniform Child Custody Jurisdiction Act is found at 750 ILCS 35/12. Section 2-502 of the Code of Civil Procedure is found at 735 ILCS 5/2-502.

22.12 Issues In Harassment Of A Juror Or Witness--Communication Producing Mental Anguish Or Emotional Distress (Until January 1, 1995)

To sustain the charge of harassment of a [(juror) (witness)], the State must prove the following propositions:

First Proposition: That the defendant communicated directly or indirectly with ____; and

Second Proposition: That ____[(served as a juror) (served as a witness) (was expected to serve as a witness in a pending legal proceeding)]; and

Third Proposition: That the defendant made the communication with the intent to harass or annoy ____ because of the [(verdict returned by the jury or the participation of ____ in the verdict) (testimony of ____) (potential testimony of ____)]; and

Fourth Proposition: That the communication produced mental anguish or emotional distress to ____.

If you find from your consideration of all of the evidence that each one of these propositions has been proved beyond a reasonable doubt, you should find the defendant guilty.

If you find from your consideration of all of the evidence that any one of these propositions has not been proved beyond a reasonable doubt, you should find the defendant not guilty.

Committee Note

P.A. 88-680, effective January 1, 1995, substantively amended Section 32-4a. As a result, this instruction may be used only in cases in which the alleged harassment of a juror or witness occurred before January 1, 1995. For offenses allegedly committed on or after January 1, 1995, use Instruction 22.12Y.

720 ILCS 5/32-4a (West 1992) (formerly Ill.Rev.Stat. ch. 38, §32-4a (1991)), as amended by P.A. 88-276, effective January 1, 1994.

Give Instruction 22.11.

Insert in the blanks the name of the witness or juror.

For offenses allegedly committed prior to January 1, 1995, use this instruction when a communication producing mental anguish or emotional distress to a juror or witness is the conduct charged. When conveying a threat to a juror or witness is the conduct charged, use Instruction 22.12X.

Use applicable bracketed material.

When accountability is an issue, ordinarily insert the phrase “or one for whose conduct he is legally responsible” after the word “defendant” in each proposition. See Instruction 5.03.

22.12X Issues In Harassment Of A Juror Or Witness--Conveying A Threat (Until January 1, 1995)

To sustain the charge of harassment of a [(juror) (witness)], the State must prove the following propositions:

First Proposition: That the defendant conveyed a threat of injury or damage to the property or person of [(____) (any relative of ____)]; and

Second Proposition: That ____[(served as a juror) (served as a witness) (was expected to serve as a witness in a pending legal proceeding)].

Third Proposition: That the defendant conveyed the threat with the intent to harass or annoy ____ because of the [(verdict returned by the jury or the participation of ____ in the verdict) (testimony of ____) (potential testimony of ____)].

If you find from your consideration of all of the evidence that each one of these propositions has been proved beyond a reasonable doubt, you should find the defendant guilty.

If you find from your consideration of all of the evidence that any one of these propositions has not been proved beyond a reasonable doubt, you should find the defendant not guilty.

Committee Note

P.A. 88-680, effective January 1, 1995, substantively amended Section 32-4a. As a result, this instruction may be used only in cases in which the alleged harassment of a juror or witness occurred before January 1, 1995. For offenses allegedly committed on or after January 1, 1995, use Instruction 22.12Y.

720 ILCS 5/32-4a (West 1992) (formerly Ill.Rev.Stat. ch. 38, §32-4a (1991)), as amended by P.A. 88-276, effective January 1, 1994.

Give Instruction 22.11X.

Insert in the blanks the name of the witness or juror.

For offenses allegedly committed prior to January 1, 1995, use this instruction when conveying a threat to a juror or witness is the conduct charged. When a communication producing mental anguish or emotional distress to a juror or witness is the conduct charged, use Instruction 22.12.

Use applicable bracketed material.

When accountability is an issue, ordinarily insert the phrase “or one for whose conduct he is legally responsible” after the word “defendant” in each proposition. See Instruction 5.03.

22.12Y Issues In Harassment Of A Juror, Witness, Or Family Member Of A Juror Or Witness (As Of January 1, 1995)

To sustain the charge of harassment of a [(juror) (witness) [family member of a (juror) (witness)]], the State must prove the following propositions:

[1] *First Proposition*: That the defendant communicated directly or indirectly with ____; and

Second Proposition: That ____ [was a family member of one who] [(has served as a juror) (has served as a witness) (was expected to serve as a witness in a pending legal proceeding)]; and

Third Proposition: That the defendant made the communication with the intent to harass or annoy ____ because of the [(verdict returned by the jury or the participation of [(____) (____'s family member)] in the verdict) (testimony of [(____) (____'s family member)]; and

Fourth Proposition: That the communication produced mental anguish or emotional distress to ____.

[or]

[2] *First Proposition*: That the defendant conveyed a threat of injury or damage to the property or person of ____; and

Second Proposition: That ____ [was a family member of one who] [(served as a juror) (served as a witness) (was expected to serve as a witness in a pending legal proceeding)]; and

Third Proposition: That the defendant conveyed the threat with the intent to harass or annoy ____ because of the [(verdict returned by the jury or the participation of [(____) (____)'s family member)] in the verdict) (testimony of [(____) (____)'s family member)] (potential testimony of ____ [(____ (____)'s family member)].

If you find from your consideration of all of the evidence that each one of these propositions has been proved beyond a reasonable doubt, you should find the defendant guilty.

If you find from your consideration of all of the evidence that any one of these propositions has not been proved beyond a reasonable doubt, you should find the defendant not guilty.

Committee Note

720 ILCS 5/32-4a (West 1992) (formerly Ill.Rev.Stat. ch. 38, §32-4a (1991)), as amended by P.A. 88-276, effective January 1, 1994; and P.A. 88-680, effective January 1, 1995; P.A. 89-686, effective June 1, 1997; P.A. 90-126, effective January 1, 1998.

P.A. 88-680, effective January 1, 1995, substantively amended Section 32-4a. As a result, use this instruction for all cases in which the alleged harassment of a juror or witness occurred on or after January 1, 1995. For offenses allegedly committed prior to January 1, 1995, see Instructions 22.12 and 22.12X.

P.A. 90-126, effective January 1, 1998, added family members of jurors and witnesses to those covered by the statute.

Give Instruction 22.11Y.

Insert in the blanks the name of the witness or juror.

The bracketed numbers in this instruction correspond with the bracketed numbers in Instruction 22.11Y. Select the alternative set of propositions that corresponds to the alternative selected from the definitional instruction.

Use applicable paragraphs and bracketed material.

The bracketed numbers are present solely for the guidance of court and counsel and should not be included in the instruction submitted to the jury.

When accountability is an issue, ordinarily insert the phrase “or one for whose conduct he is legally responsible” after the word “defendant” in each proposition. See Instruction 5.03.

22.12AA Issues In Harassment Of A Child Representative Or Family Member Of A Child Representative

To sustain the charge of harassment of a [(child representative) (family member of a child representative)], the State must prove the following propositions:

[1] *First Proposition:* That the defendant communicated directly or indirectly with ____; and

Second Proposition: That ____ [was a family member of one who] [(had served) (was serving)] as a representative for a child;

Third Proposition: That the defendant made the communication with the intent to harass or annoy ____ because of the representative service of the child representative; and

Fourth Proposition: That the communication produced mental anguish or emotional distress to ____.

[or]

[2] *First Proposition:* That the individual conveyed a threat of injury or damage to the property or person of any [(child representative) (family member of a child representative)]; and

Second Proposition: That ____ [(was a family member of one who] served as a child representative; and

Third Proposition: That the defendant conveyed the threat with the intent to harass or annoy ____ because of the service rendered as a child representative by [(____) (____'s family member)].

If you find from your consideration of all the evidence that each one of these propositions has not been proved beyond a reasonable doubt, you should find the defendant not guilty.

Committee Note

720 ILCS 32-4a(b), effective June 1, 1997, amended by P.A. 90-126, effective January 1, 1998.

Give Instructions 22.11AA and 22.11BB.

The bracketed numbers are present solely for the guidance of court and counsel and should not be included in the instruction submitted to the jury.

Use applicable paragraphs and bracketed material.

22.13 Definition Of Resisting Or Obstructing A Peace Officer, Firefighter, Or Correctional Institution Employee

A person commits the offense of resisting or obstructing a [(peace officer) (firefighter) (correctional institution employee)] when he knowingly resists or obstructs the performance of any authorized act within the official capacity of one known to him to be a [(peace officer) (firefighter) (correctional institution employee)].

Committee Note

Instruction and Committee Note Approved May 4, 2018

720 ILCS 5/31-1(a) (West 2018).

Give Instruction 22.14.

Give either Instruction 4.08, defining the term "peace officer," or Instruction 22.13A, defining the term "correctional institution employee," as applicable. For this offense, do not give Instruction 4.26.

22.13A Definition Of Correctional Institution Employee

The phrase "correctional institution employee" means any person employed to supervise and control inmates incarcerated in a [(penitentiary) (State farm) (reformatory) (prison) (jail) (house of correction) (police detention area) (half-way house) [or other institution or place for the incarceration or custody of persons [(under sentence for offenses) (awaiting trial or sentence for offenses) (under arrest for an offense) (under arrest for a violation of probation) (under arrest for a violation of parole) (under arrest for a violation of mandatory supervised release) (awaiting a bail setting hearing) (awaiting a preliminary hearing)]]].

Committee Note

720 ILCS 5/31-1(b) (West 1992) (formerly Ill.Rev.Stat. ch. 38, §31-1(b) (1991)), added by P.A. 87-1198, effective September 25, 1992.

This definition applies only to violations of Section 5/31-1.

Use applicable bracketed material.

22.13X Definition of Resisting Or Obstructing A Peace Officer, Firefighter, Or Correctional Employee

A person commits the offense of resisting or obstructing a [(peace officer) (firefighter) (correctional institution employee)] causing injury when he knowing resists or obstructs the performance of any authorized act within the official capacity of one know to him to be a [(peace officer) (firefighter) (correctional institution employee)], and his doing so is the proximate cause of an injury to the [(peace officer) (firefighter) (correctional institution employee)].

Committee Note

Instruction and Committee Note Approved May 4, 2018

720 ILCS 5/31-1(a), (a-7) (West 2018)

Give Instruction 22.14X.

Give Instruction 4.24, defining the term "proximate cause".

Give either Instruction 4.08, defining the term "peace officer," or Instruction 22.13A, defining the term "correctional institution employee," as applicable. For this offense, do not give instruction 4.26.

22.14 Issues In Resisting Or Obstructing A Peace Officer, Firefighter, Or Correctional Institution Employee

To sustain the charge of resisting or obstructing a [(peace officer) (firefighter) (correctional institution employee)], the State must prove the following propositions:

First Proposition: That ____ was a [(peace officer) (firefighter) (correctional institution employee)]; and

Second Proposition: That the defendant knew ____ was a [(peace officer) (firefighter) (correctional institution employee)]; and

Third Proposition: That the defendant knowingly resisted or obstructed the performance by ____ of an authorized act within his official capacity.

If you find from your consideration of all the evidence that each one of these propositions has been proved beyond a reasonable doubt, you should find the defendant guilty.

If you find from your consideration of all the evidence that any one of these propositions has not been proved beyond a reasonable doubt, you should find the defendant not guilty.

Committee Note

720 ILCS 5/31-1(a) (West 2018).

Give Instruction 22.13.

Insert in the blanks the name of the peace officer, firefighter, or correctional institution employee.

When accountability is an issue, ordinarily insert the phrase “or one for whose conduct he is legally responsible” after the word “defendant” in each proposition. See Instruction 5.03.

22.14X Issues In Resisting Or Obstructing A Peace Officer, Firefighter, Or Correctional Institution Employee Causing Injury

To sustain the charge of resisting or obstructing a [(peace officer) (firefighter) (correctional institution employee)] causing injury, the State must prove the following propositions:

First Proposition: That ____ was a [(peace officer) (firefighter) (correctional institution employee)]; and

Second Proposition: That the defendant knew ____ was a [(peace officer) (firefighter) (correctional institution employee)]; and

Third Proposition: That the defendant knowingly resisted or obstructed the performance by ___ of an authorized act within his official capacity; and

Fourth Proposition: That when the defendant did so, he proximately caused an injury to _____.

If you find from your consideration of all the evidence that each one of these propositions has been proved beyond a reasonable doubt, you should find the defendant guilty.

If you find from your consideration of all the evidence that any one of these propositions has not been proved beyond a reasonable doubt, you should find the defendant not guilty.

Committee Note

Instruction and Committee Note Approved May 4, 2018

Give Instruction 22.13X.

Insert in the blanks the name of the peace officer firefighter correctional institution employee.

When accountability is an issue, ordinarily insert the phrase "or one for whose conduct he is legally responsible" after the word "defendant" in each proposition. See Instruction 5.03.

22.15 Definition Of Disarming A Peace Officer

A person commits the offense of disarming a peace officer when he knowingly disarms a person known to him to be a peace officer, while the peace officer is engaged in the performance of his official duties, by taking a firearm [(from the person of the peace officer) (from an area within the peace officer's immediate presence)] without the peace officer's consent.

Committee Note

720 ILCS 5/31-1a (West, 1999) (formerly Ill.Rev.Stat. ch. 38, §31-1a (1991)).

Give Instruction 22.16.

Give Instruction 4.08, defining the term “peace officer.”

Use applicable bracketed material.

22.16 Issues In Disarming A Peace Officer

To sustain the charge of disarming a peace officer, the State must prove the following propositions:

First Proposition: That ____ was a peace officer; and

Second Proposition: That the defendant knew ____ was a peace officer; and

Third Proposition: That the defendant knowingly took a firearm [(from the person of ____) (from an area within ____'s immediate presence)] without ____'s consent; and

Fourth Proposition: That when the defendant did so, ____ was engaged in the performance of his official duties.

If you find from your consideration of all the evidence that each one of these propositions has been proved beyond a reasonable doubt, you should find the defendant guilty.

If you find from your consideration of all the evidence that any one of these propositions has not been proved beyond a reasonable doubt, you should find the defendant not guilty.

Committee Note

720 ILCS 5/31-1a (West, 1999) (formerly Ill.Rev.Stat. ch. 38, §31-1a (1991)).

Give Instruction 22.15.

Insert in the blanks the name of the peace officer.

Use applicable bracketed material.

When accountability is an issue, ordinarily insert the phrase “or one for whose conduct he is legally responsible” after the word “defendant” in each proposition. See Instruction 5.03.

22.17 Definition Of Obstructing Service Of Process

A person commits the offense of obstructing service of process when he knowingly resists or obstructs the authorized service or execution of any [(civil) (criminal)] process or order of a court.

Committee Note

720 ILCS 5/31-3 (West, 1999) (formerly Ill.Rev.Stat. ch. 38, §31-3 (1991)).

Give Instruction 22.18.

Use applicable bracketed material.

22.18 Issues In Obstructing Service Of Process

To sustain the charge of obstructing service of process, the State must prove the following proposition:

That the defendant knowingly resisted or obstructed authorized service or execution of any [(civil) (criminal)] process or order of a court.

If you find from your consideration of all the evidence that this proposition has been proved beyond a reasonable doubt, you should find the defendant guilty.

If you find from your consideration of all the evidence that this proposition has not been proved beyond a reasonable doubt, you should find the defendant not guilty.

Committee Note

720 ILCS 5/31-3 (West, 1999) (formerly Ill.Rev.Stat. ch. 38, §31-3 (1991)).

Give Instruction 22.17.

Use applicable bracketed material.

When accountability is an issue, ordinarily insert the phrase “or one for whose conduct he is legally responsible” after the word “defendant” in each proposition. See Instruction 5.03.

22.19 Definition Of Obstructing Justice

A person commits the offense of obstructing justice when, with intent to [(prevent the apprehension) (obstruct the prosecution) (obstruct the defense)] of any person, he knowingly

[1] [(destroys) (alters) (conceals) (disguises)] physical evidence.

[or]

[2] [(plants false evidence) (furnishes false information)].

[or]

[3] induces a witness, having knowledge of the subject at issue, to [(leave the State) (conceal himself)].

Committee Note

720 ILCS 5/31-4(a) and (b) (West, 1999) (formerly Ill.Rev.Stat. ch. 38, §31-4(a) and (b) (1991)).

Give Instruction 22.20.

The materiality of the witness' knowledge under paragraph [3] is a question of law for the court. People v. Powell, 160 Ill.App.3d 689, 513 N.E.2d 1162, 112 Ill.Dec. 553 (5th Dist.1987).

Use applicable paragraphs and bracketed material.

22.20 Issues In Obstructing Justice

To sustain the charge of obstructing justice, the State must prove the following propositions:

First Proposition: That the defendant knowingly [(destroyed) (altered) (concealed) (disguised)] physical evidence; and

Second Proposition: That the defendant did so with intent to [(prevent the apprehension) (obstruct the prosecution) (obstruct the defense)] of ____.

[or]

First Proposition: That the defendant knowingly [(planted false evidence) (furnished false information)]; and

Second Proposition: That the defendant did so with intent to [(prevent the apprehension) (obstruct the prosecution) (obstruct the defense)] of ____.

[or]

First Proposition: That ____(witness) was a witness having knowledge of ____(subject at issue); and

Second Proposition: That the defendant induced ____(witness) [(to leave the State) (conceal himself)]; and

Third Proposition: That the defendant did so with intent to [(prevent the apprehension) (obstruct the prosecution) (obstruct the defense)] of ____.

If you find from your consideration of all the evidence that each one of these propositions has been proved beyond a reasonable doubt, you should find the defendant guilty.

If you find from your consideration of all the evidence that any one of these propositions has not been proved beyond a reasonable doubt, you should find the defendant not guilty.

Committee Note

720 ILCS 5/31-4(b) (West, 1999) (formerly Ill.Rev.Stat. ch. 38, §31-4(b) (1991)).

Give Instruction 22.19.

Insert in the appropriate blanks the name of the person whose apprehension, prosecution, or defense was obstructed, the name of the witness, or a description of the subject at issue.

Use applicable bracketed material.

When accountability is an issue, ordinarily insert the phrase “or one for whose conduct he is legally responsible” after the word “defendant” in each proposition. See Instruction 5.03.

22.21 Definition Of Obstructing Justice--Flight Of Witness

A person commits the offense of obstructing justice when he has knowledge of the subject at issue and knowingly [(leaves the State) (conceals himself)] with the intent to [(prevent the apprehension) (obstruct the prosecution) (obstruct the defense)] of another person.

Committee Note

720 ILCS 5/31-4(c) (West, 1999) (formerly Ill.Rev.Stat. ch. 38, §31-4(c) (1991)).

Give Instruction 22.22.

The materiality of the defendant's knowledge is a question of law for the court. People v. Powell, 160 Ill.App.3d 689, 513 N.E.2d 1162, 112 Ill.Dec. 553 (5th Dist.1987).

Use applicable bracketed material.

22.22 Issues In Obstructing Justice--Flight Of Witness

To sustain the charge of obstructing justice, the State must prove the following propositions:

First Proposition: That the defendant had knowledge of ____; and

Second Proposition: That the defendant knowingly [(left the State) (concealed himself)]; and

Third Proposition: That the defendant did so with intent to [(prevent the apprehension) (obstruct the prosecution) (obstruct the defense)] of ____.

If you find from your consideration of all the evidence that each one of these propositions has been proved beyond a reasonable doubt, you should find the defendant guilty.

If you find from your consideration of all the evidence that any one of these propositions has not been proved beyond a reasonable doubt, you should find the defendant not guilty.

Committee Note

720 ILCS 5/31-4(c) (West, 1999) (formerly Ill.Rev.Stat. ch. 38, §31-4(c) (1991)).

Give Instruction 22.21.

Insert in the first blank the description of the subject at issue.

Insert in the second blank the name of the person whose apprehension, prosecution, or defense was obstructed.

Use applicable bracketed material.

When accountability is an issue, ordinarily insert the phrase "or one for whose conduct he is legally responsible" after the word "defendant" in each proposition. See Instruction 5.03.

22.23 Definition Of Concealing Or Aiding A Fugitive

A person who is not the husband, wife, parent, child, brother, or sister of the offender commits the offense of concealing or aiding a fugitive when he [(conceals his knowledge that an offense has been committed) (harbors, aids, or conceals the offender)] with intent to prevent the apprehension of the offender.

Committee Note

720 ILCS 5/31-5 (West, 1999) (formerly Ill.Rev.Stat. ch. 38, §31-5 (1991)).

Give Instruction 22.24.

Use applicable bracketed material.

22.24 Issues In Concealing Or Aiding A Fugitive

To sustain the charge of concealing or aiding a fugitive, the State must prove the following propositions:

First Proposition: That the defendant is not a husband, wife, parent, child, brother, or sister to the offender; and

Second Proposition: That ____ had committed an offense; and

Third Proposition: That the defendant knew that ____ had committed an offense; and

Fourth Proposition: That the defendant concealed his knowledge that the offense of ____ had been committed;

[or]

Fourth Proposition: That the defendant [(harbored) (aided) (concealed)] ____;

and

Fifth Proposition: That the defendant did so with intent to prevent the apprehension of ____.

If you find from your consideration of all the evidence that each one of these propositions has been proved beyond a reasonable doubt, you should find the defendant guilty.

If you find from your consideration of all the evidence that any one of these propositions has not been proved beyond a reasonable doubt, you should find the defendant not guilty.

Committee Note

720 ILCS 5/31-5 (West, 1999) (formerly Ill.Rev.Stat. ch. 38, §31-5 (1991)).

Give Instruction 22.23.

Insert in the appropriate blanks the name of the fugitive and the offense.

Use applicable paragraphs and bracketed material.

When accountability is an issue, ordinarily insert the phrase “or one for whose conduct he is legally responsible” after the word “defendant” in each proposition. See Instruction 5.03.

22.25 Definition Of Escape

A person commits the offense of escape when he is

[1] [(convicted of _____) (charged with the commission of _____)], and intentionally escapes from [(any penal institution) (the custody of an employee of a penal institution)] [while armed with a dangerous weapon].

[or]

[2] convicted of _____ and knowingly fails to [[report (to a penal institution) (for periodic imprisonment at any time)] [(return from [(furlough) (work release) (day release)] [abide by the terms of home confinement]] [while armed with a dangerous weapon].

[or]

[3] in the custody of the Department of Human Services under [(the provisions of the Sexually Violent Persons Commitment Act) (a detention order) (a commitment order) (a conditional release order) (a court order)] and intentionally escapes from [(any secure residential facility) (a Department of Human Services employee) (an agent of the Department of Human Services)] [while armed with a dangerous weapon].

[or]

[4] in the lawful custody of a peace officer for an alleged [(commission of _____) (violation of a term or condition of [(probation) (conditional discharge) (parole) (aftercare release) (mandatory supervised release) (supervision)]] and intentionally escapes from custody [while armed with a dangerous weapon].

Committee Note
Instruction and Committee Note Approved April 29, 2016

720 ILCS 5/31-6(a), (b), (b-1), (c) and (d) (West, 2016).

Give Instruction 22.26.

When applicable, give Instruction 4.08, defining the term “peace officer”.

When applicable, give Instruction 4.09, defining the term “penal institution”.

When applicable, give Instruction 4.17, defining the term “dangerous weapon”.

If there is sufficient evidence for the defense of necessity, give Instructions 24-25.22 and 24-25.22A. See People v. Unger, 66 Ill.2d 333, 362 N.E.2d 319, 5 Ill.Dec. 848 (1977).

Insert in the blank the specific offense. See Committee Notes to Instructions 4.04 and 4.06.

Use applicable paragraphs and bracketed material.

The bracketed numbers are present solely for the guidance of court and counsel and should not be included in the instructions submitted to the jury.

22.26 Issues In Escape--Penal Institution, Work Release Or Department of Human Services

To sustain the charge of escape, the State must prove the following propositions:

First Proposition: That the defendant was [(convicted) (charged with the commission)] of ____; and

Second Proposition: That the defendant intentionally escaped from [(any penal institution) (the custody of an employee of a penal institution)] [(.) (; and)]

[*Third Proposition*: That when the defendant did so, he was armed with a dangerous weapon.]

[or]

First Proposition: That the defendant was convicted of _____; and

Second Proposition: That the defendant knowingly failed to [(report to a penal institution) (report for periodic imprisonment at any time) (return from furlough) (return from work release) (return from day release) (abide by the terms of home confinement)] [(.) (; and)]

[*Third Proposition*: That when the defendant did so, he was armed with a dangerous weapon.]

[or]

First Proposition: That the defendant was in the custody of the Department of Human Services under [(the provisions of the Sexually Violent Persons Commitment Act) (a detention order) (a commitment order) (a conditional release order) (a court order)]; and

Second Proposition: That the defendant intentionally escaped from [(any secure residential facility) (a Department of Human Services employee) (an agent of the Department of Human Services)] [(.) (; and)]

[*Third Proposition*: That when the defendant did so, he was armed with a dangerous weapon.]

[or]

First Proposition: That the defendant was in the lawful custody of a peace officer for an alleged violation of a term or condition of [(probation) (conditional discharge) (parole) (aftercare release) (mandatory supervised release) (supervision)]; and

Second Proposition: That the defendant intentionally escaped from custody [(.) (; and)]

[*Third Proposition*: That when the defendant did so, he was armed with a dangerous weapon.]

If you find from your consideration of all the evidence that each one of these propositions has been proved beyond a reasonable doubt, you should find the defendant guilty.

If you find from your consideration of all the evidence that any one of these propositions has not been proved beyond a reasonable doubt, you should find the defendant not guilty.

Committee Note
Instruction and Committee Note Approved April 29, 2016

720 ILCS 5/31-6(a), (b), (b-1) and (c) (West, 2016), amended by P.A. 95-839, effective August 15, 2008; Amended by P. 95-921, effective January 1, 2009; Amended by P.A. 96-328, effective August 11, 2009; amended by P.A. 98-558, effective January 1, 2014; Amended by P.A. 98-770, effective January 1, 2015.

Give Instruction 22.25.

When applicable, insert in the blank the specific offense. See Committee Notes to Instructions 4.04 and 4.06.

Whether the defendant was armed with a dangerous weapon is a question for the jury when the character of the weapon is doubtful and the question depends upon the manner of its use. In such cases, the term "dangerous weapon" should be defined in accordance with Instruction 4.17. *See People v. Skelton*, 83 Ill.2d 58, 414 N.E.2d 455 (1980). If the trial court has determined as a matter of law that the object, such as a gun, is an inherently dangerous weapon, the term "dangerous weapon" need not be defined. *See People v. Estes*, 37 Ill.App.3d 889, 346 N.E.2d 469 (4th Dist. 1976). See also *People v. Ford*, 34 Ill.App.3d 79, 339 N.E.2d 293 (1st Dist. 1975).

The Third Proposition should only be given when the defendant is charged with being armed with a dangerous weapon.

Use applicable bracketed material.

When accountability is an issue, ordinarily insert the phrase "or one for whose conduct he is legally responsible" after the word "defendant" in each proposition. See Instruction 5.03

The bracketed paragraphs are present solely for the guidance of court and counsel and should not be included in the instruction submitted to the jury.

22.27 Definition Of Escape--In Custody

A person in the lawful custody of a peace officer for the alleged commission of ____ commits the offense of escape when he intentionally escapes from custody.

Committee Note

720 ILCS 5/31-6(c) (West, 1999) (formerly Ill.Rev.Stat. ch. 38, §31-6(c) (1991)), as amended by P.A. 86-335, effective January 1, 1990.

Give Instruction 22.28.

Give Instruction 4.08, defining the term "peace officer."

If there is sufficient evidence for the defense of necessity, give Instructions 24-25.22 and 24-25.22A. See People v. Unger, 66 Ill.2d 333, 362 N.E.2d 319, 5 Ill.Dec. 848 (1977).

Insert in the blank the specific offense.

22.28 Issues In Escape--In Custody

To sustain the charge of escape, the State must prove the following propositions:

First Proposition: That the defendant was in the lawful custody of a peace officer; and

Second Proposition: That the defendant was in custody for the alleged commission of ____; and

Third Proposition: That the defendant intentionally escaped from custody.

If you find from your consideration of all the evidence that each one of these propositions has been proved beyond a reasonable doubt, you should find the defendant guilty.

If you find from your consideration of all the evidence that any one of these propositions has not been proved beyond a reasonable doubt, you should find the defendant not guilty.

Committee Note

720 ILCS 5/31-6(c) (West, 1999) (formerly Ill.Rev.Stat. ch. 38, §31-6(c) (1991)), as amended by P.A. 86-335, effective January 1, 1990.

Give Instruction 22.27.

Insert in the blank the specific offense.

When accountability is an issue, ordinarily insert the phrase "or one for whose conduct he is legally responsible" after the word "defendant" in each proposition. See Instruction 5.03.

22.29 Definition Of Armed Escape--Penal Institution Or Work Release

A person [(convicted) (charged with the commission)] of ____, commits the offense of armed escape when he, while armed with a dangerous weapon,

[1] intentionally escapes from [(any penal institution) (the custody of an employee of a penal institution)].

[or]

[2] knowingly fails to report [(to a penal institution) (for periodic imprisonment at any time)].

[or]

[3] knowingly fails to return from [(furlough) (work release) (day release)].

Committee Note

720 ILCS 5/31-6(d) (West, 1999) (formerly Ill.Rev.Stat. ch. 38, §31-6(d) (1991)), as amended by P.A. 86-335, effective January 1, 1990.

Give Instruction 22.30.

Give Instruction 4.09, defining the term "penal institution."

If there is sufficient evidence for the defense of necessity, give Instructions 24-25.22 and 24-25.22A. See People v. Unger, 66 Ill.2d 333, 362 N.E.2d 319, 5 Ill.Dec. 848 (1977).

Insert in the blank the specific offense.

Use applicable paragraphs and bracketed material.

The bracketed numbers are present solely for the guidance of court and counsel and should not be included in the instructions submitted to the jury.

22.30 Issues In Armed Escape--Penal Institution Or Work Release

To sustain the charge of armed escape, the State must prove the following propositions:

First Proposition: That the defendant was [(convicted) (charged with the commission)] of ____; and

Second Proposition: That the defendant intentionally escaped from [(any penal institution) (the custody of an employee of a penal institution)];

[or]

Second Proposition: That the defendant knowingly failed to report [(to a penal institution) (for periodic imprisonment at any time)];

[or]

Second Proposition: That the defendant knowingly failed to return from [(furlough) (work release) (day release)];

and

Third Proposition: That when the defendant did so, he was armed with a dangerous weapon.

If you find from your consideration of all the evidence that each one of these propositions has been proved beyond a reasonable doubt, you should find the defendant guilty.

If you find from your consideration of all the evidence that any one of these propositions has not been proved beyond a reasonable doubt, you should find the defendant not guilty.

Committee Note

720 ILCS 5/31-6(d) (West, 1999) (formerly Ill.Rev.Stat. ch. 38, §31-6(d) (1991)).

Give Instruction 22.29.

Insert in the blank the specific offense.

Use applicable bracketed material.

When accountability is an issue, ordinarily insert the phrase “or one for whose conduct he is legally responsible” after the word “defendant” in each proposition. See Instruction 5.03.

22.31 Definition Of Armed Escape--In Custody

A person in the lawful custody of a peace officer for the alleged commission of ____ commits the offense of armed escape when he intentionally escapes from custody while armed with a dangerous weapon.

Committee Note

720 ILCS 5/31-6(d) (West, 1999) (formerly Ill.Rev.Stat. ch. 38, §31-6(d) (1991)), as amended by P.A. 86-335, effective January 1, 1990.

Give Instruction 22.32.

Give Instruction 4.08, defining the term "peace officer."

Whether the defendant was armed with a dangerous weapon is a question for the jury when the character of the weapon is doubtful and the question depends upon the manner of its use. In such cases the term "dangerous weapon" should be defined in accordance with Instruction 4.17. See People v. Skelton, 83 Ill.2d 58, 414 N.E.2d 455, 46 Ill.Dec. 571 (1980). If the trial court has determined as a matter of law that the object, such as a gun, is an inherently dangerous weapon, the term "dangerous weapon" need not be defined. See People v. Estes, 37 Ill.App.3d 889, 346 N.E.2d 469 (4th Dist.1976). See also People v. Ford, 34 Ill.App.3d 79, 339 N.E.2d 293 (1st Dist.1975).

Insert in the blank the specific offense.

22.32 Issues In Armed Escape--In Custody

To sustain the charge of armed escape, the State must prove the following propositions:

First Proposition: That the defendant was in the lawful custody of a peace officer; and

Second Proposition: That the defendant was in custody for the alleged commission of ____; and

Third Proposition: That the defendant intentionally escaped from custody; and

Fourth Proposition: That when the defendant did so, he was armed with a dangerous weapon.

If you find from your consideration of all the evidence that each one of these propositions has been proved beyond a reasonable doubt, you should find the defendant guilty.

If you find from your consideration of all the evidence that any one of these propositions has not been proved beyond a reasonable doubt, you should find the defendant not guilty.

Committee Note

720 ILCS 5/31-6(d) (West, 1999) (formerly Ill.Rev.Stat. ch. 38, §31-6(d) (1991)).

Give Instruction 22.31.

Insert in the blank the specific offense.

When accountability is an issue, ordinarily insert the phrase "or one for whose conduct he is legally responsible" after the word "defendant" in each proposition. See Instruction 5.03.

22.33 Definition Of Aiding Escape

A person commits the offense of aiding escape when he

[1] with intent to aid a prisoner in escaping from a penal institution, [(conveys into the institution) (transfers to the prisoner)] anything for use in escaping.

[or]

[2] knowingly aids a person [(convicted) (charged with the commission)] of ____ in escaping from [the custody of an employee of] a penal institution.

[or]

[3] knowingly aids a person [(convicted) (charged with the commission)] of ____ in failing to return from [(furlough) (work release) (day release)].

[or]

[4] knowingly aids a person in escaping from [the custody of an employee of] a public institution other than a penal institution, in which he is lawfully detained.

[or]

[5] knowingly aids the escape of a person in the lawful custody of a peace officer for the alleged commission of ____.

Committee Note

720 ILCS 5/31-7 (West, 1999) (formerly Ill.Rev.Stat. ch. 38, §31-7 (1991)), as amended by P.A. 83-248, effective January 1, 1984, and P.A. 86-335, effective January 1, 1990.

Give Instruction 22.34.

Insert in the blank the specific offense.

Use applicable paragraphs and bracketed material.

The bracketed numbers are present solely for the guidance of court and counsel and should not be included in the instructions submitted to the jury.

22.34 Issues In Aiding Escape

To sustain the charge of aiding escape, the State must prove the following propositions:

First Proposition: That ____ was a prisoner in a penal institution; and

Second Proposition: That the defendant [(conveyed into the penal institution) (transferred to ____)] anything for use in escaping; and

Third Proposition: That the defendant did so with intent to aid ____ in escaping from the penal institution.

[or]

First Proposition: That ____ was [(convicted) (charged with the commission)] of ____; and

Second Proposition: That ____ was [(confined in) (in the custody of an employee of)] a penal institution; and

Third Proposition: That the defendant knowingly aided ____ in escaping from the [(confinement) (custody)].

[or]

First Proposition: That ____ was [(convicted) (charged with the commission)] of ____; and

Second Proposition: That ____ failed to return from [(furlough) (work release) (day release)]; and

Third Proposition: That the defendant knowingly aided ____ in failing to return from [(furlough) (work release) (day release)].

[or]

First Proposition: That ____ was lawfully detained in [the custody of an employee of] a public institution other than a penal institution; and

Second Proposition: That the defendant knowingly aided ____ in escaping from the detention.

[or]

First Proposition: That ____ was in the lawful custody of a peace officer for the alleged commission of ____; and

Second Proposition: That the defendant knowingly aided ____ in escaping from the custody.

If you find from your consideration of all the evidence that each one of these propositions has been proved beyond a reasonable doubt, you should find the defendant guilty.

If you find from your consideration of all the evidence that any one of these propositions has not been proved beyond a reasonable doubt, you should find the defendant not guilty.

Committee Note

720 ILCS 5/31-7 (West, 1999) (formerly Ill.Rev.Stat. ch. 38, §31-7 (1991)), as amended by P.A. 83-248, effective January 1, 1984, and P.A. 86-335, effective January 1, 1990.

Give Instruction 22.33.

Give Instruction 4.08, defining the term "peace officer."

Insert in the appropriate blanks the name of the person confined or detained, and the specific offense.

Use applicable bracketed material.

When accountability is an issue, ordinarily insert the phrase "or one for whose conduct he is legally responsible" after the word "defendant" in each proposition. See Instruction 5.03.

22.35 Definition Of Aiding Escape While Armed

A person commits the offense of aiding escape while armed when he, while armed with a dangerous weapon,

[1] with intent to aid a prisoner in escaping from a penal institution, [(conveys into the institution) (transfers to the prisoner)] anything for use in escaping.

[or]

[2] knowingly aids a person [(convicted) (charged with the commission)] of ____ in escaping from [the custody of an employee of] a penal institution.

[or]

[3] knowingly aids a person [(convicted) (charged with the commission)] of ____ in failing to return from [(furlough) (work release) (day release)].

[or]

[4] knowingly aids a person in escaping from [the custody of an employee of] a public institution, other than a penal institution, in which he is lawfully detained.

[or]

[5] knowingly aids the escape of a person in lawful custody of a peace officer for the alleged commission of ____.

Committee Note

720 ILCS 5/31-7(g) (West, 1999) (formerly Ill.Rev.Stat. ch. 38, §31-7(g) (1991)), as amended by P.A. 86-335, effective January 1, 1990.

Give Instruction 22.36.

Insert in the blank the specific offense.

Whether the defendant was armed with a dangerous weapon is a question for the jury when the character of the weapon is doubtful and the question depends upon the manner of its use. In such cases the term "dangerous weapon" should be defined in accordance with Instruction 4.17. See People v. Skelton, 83 Ill.2d 58, 414 N.E.2d 455, 46 Ill.Dec. 571 (1980). If the trial court has determined as a matter of law that the object, such as a gun, is an inherently dangerous weapon, the term "dangerous weapon" need not be defined. See People v. Estes, 37 Ill.App.3d 889, 346 N.E.2d 469 (4th Dist.1976). See also People v. Ford, 34 Ill.App.3d 79, 339 N.E.2d 293 (1st Dist.1975).

Use applicable paragraphs and bracketed material.

The bracketed numbers are present solely for the guidance of court and counsel and should not be included in the instruction submitted to the jury.

22.36 Issues In Aiding Escape While Armed

To sustain the charge of aiding escape while armed, the State must prove the following propositions:

First Proposition: That ____ was a prisoner in a penal institution; and

Second Proposition: That defendant [(conveyed into the institution) (transferred to ____)] anything for use in escaping; and

Third Proposition: That the defendant did so with intent to aid ____ in escaping from the penal institution; and

Fourth Proposition: That when he did so, the defendant was armed with a dangerous weapon.

[or]

First Proposition: That ____ was [(convicted) (charged with the commission)] of ____; and

Second Proposition: That ____ was [(confined in) (in the custody of an employee of)] a penal institution; and

Third Proposition: That the defendant knowingly aided ____ in escaping from the [(confinement) (custody)]; and

Fourth Proposition: That when he did so, the defendant was armed with a dangerous weapon.

[or]

First Proposition: That ____ was [(convicted) (charged with the commission)] of ____; and

Second Proposition: That ____ failed to return from [(furlough) (work release) (day release)]; and

Third Proposition: That the defendant knowingly aided ____ in failing to return from [(furlough) (work release) (day release)]; and

Fourth Proposition: That when he did so, the defendant was armed with a dangerous weapon.

[or]

First Proposition: That ____ was lawfully detained in [the custody of an employee of] a public institution other than a penal institution; and

Second Proposition: That the defendant knowingly aided ____ in escaping from the detention; and

Third Proposition: That when he did so, the defendant was armed with a dangerous weapon.

[or]

First Proposition: That ____ was in the lawful custody of a peace officer for the alleged

commission of ____; and

Second Proposition: That the defendant knowingly aided ____ in escaping from the custody; and

Third Proposition: That when he did so, the defendant was armed with a dangerous weapon.

If you find from your consideration of all the evidence that each one of these propositions has been proved beyond a reasonable doubt, you should find the defendant guilty.

If you find from your consideration of all the evidence that any one of these propositions has not been proved beyond a reasonable doubt, you should find the defendant not guilty.

Committee Note

720 ILCS 5/31-7(g) (West, 1999) (formerly Ill.Rev.Stat. ch. 38, §31-7(g) (1991)), as amended by P.A. 86-335, effective January 1, 1990.

Give Instruction 22.35.

Give Instruction 4.08, defining the term "peace officer."

Insert in the appropriate blank the name of the person confined or detained, and the specific offense.

Use applicable bracketed material.

When accountability is an issue, ordinarily insert the phrase "or one for whose conduct he is legally responsible" after the word "defendant" in each proposition. See Instruction 5.03.

22.37 Definition Of Aiding Escape--Officer Of A Penal Institution

An [(officer) (employee)] of a penal institution commits the offense of aiding escape when he recklessly permits a prisoner in his custody to escape.

Committee Note

720 ILCS 5/31-7(f) (West, 1999) (formerly Ill.Rev.Stat. ch. 38, §31-7(f) (1991)).

Give Instruction 22.38.

Give Instruction 4.09, defining the term “penal institution.”

Give Instruction 5.01, defining the word “recklessness.”

Use applicable bracketed material.

22.38 Issues In Aiding Escape--Officer Of A Penal Institution

To sustain the charge of aiding escape, the State must prove the following propositions:

First Proposition: That the defendant was an [(officer) (employee)] of a penal institution; and

Second Proposition: That ____ was a prisoner in the custody of the defendant; and

Third Proposition: That the defendant recklessly permitted ____ to escape.

If you find from your consideration of all the evidence that each one of these propositions has been proved beyond a reasonable doubt, you should find the defendant guilty.

If you find from your consideration of all the evidence that any one of these propositions has not been proved beyond a reasonable doubt, you should find the defendant not guilty.

Committee Note

720 ILCS 5/31-7(f) (West, 1999) (formerly Ill.Rev.Stat. ch. 38, §31-7(f) (1991)).

Give Instruction 22.37.

Insert in the blanks the name of the prisoner.

Use applicable bracketed material.

When accountability is an issue, ordinarily insert the phrase "or one for whose conduct he is legally responsible" after the word "defendant" in each proposition. See Instruction 5.03.

22.39 Definition Of Refusing To Aid An Officer

A person commits the offense of refusing to aid an officer when, upon command, he [(refuses) (knowingly fails)] to reasonably aid a person known to him to be a peace officer in [(apprehending a person whom the officer is authorized to apprehend) (preventing the commission by another of any offense)].

Committee Note

720 ILCS 5/31-8 (West, 1999) (formerly Ill.Rev.Stat. ch. 38, §31-8 (1991)).

Give Instruction 22.40.

Use applicable bracketed material.

22.40 Issues In Refusing To Aid An Officer

To sustain the charge of refusing to aid an officer, the State must prove the following propositions:

First Proposition: That ____ was a peace officer; and

Second Proposition: That the defendant knew that ____ was a peace officer; and

Third Proposition: That ____ commanded the defendant to aid ____ in [(apprehending a person whom ____ was authorized to apprehend) (preventing the commission of an offense by another person)]; and

Fourth Proposition: That the defendant [(refused) (knowingly failed)] to reasonably aid ____.

If you find from your consideration of all the evidence that each one of these propositions has been proved beyond a reasonable doubt, you should find the defendant guilty.

If you find from your consideration of all the evidence that any one of these propositions has not been proved beyond a reasonable doubt, you should find the defendant not guilty.

Committee Note

720 ILCS 5/31-8 (West, 1999) (formerly Ill.Rev.Stat. ch. 38, §31-8 (1991)).

Give Instruction 22.39.

Insert in the blanks the name of the officer.

Use applicable bracketed material.

When accountability is an issue, ordinarily insert the phrase "or one for whose conduct he is legally responsible" after the word "defendant" in each proposition. See Instruction 5.03.

22.41 Definition Of Compounding A Crime

A person commits the offense of compounding a crime when he [(receives) (offers to another)] any consideration for a promise not to [(prosecute) (aid in the prosecution of)] an offender.

Committee Note

720 ILCS 5/32-1 (West, 1999) (formerly Ill.Rev.Stat. ch. 38, §32-1 (1991)).

Give Instruction 22.42.

Use applicable bracketed material.

22.42 Issues In Compounding A Crime

To sustain the charge of compounding a crime, the State must prove the following propositions:

First Proposition: That the defendant [(received) (offered to ____)] a consideration; and

Second Proposition: That the defendant did so in exchange for [(his) (____'s)] promise not to [(prosecute) (aid in the prosecution of)] ____.

If you find from your consideration of all the evidence that each one of these propositions has been proved beyond a reasonable doubt, you should find the defendant guilty.

If you find from your consideration of all the evidence that any one of these propositions has not been proved beyond a reasonable doubt, you should find the defendant not guilty.

Committee Note

720 ILCS 5/32-1 (West, 1999) (formerly Ill.Rev.Stat. ch. 38, §32-1 (1991)).

Give Instruction 22.41.

Insert in the blanks the appropriate names.

Use applicable bracketed material.

When accountability is an issue, ordinarily insert the phrase “or one for whose conduct he is legally responsible” after the word “defendant” in each proposition. See Instruction 5.03.

22.43 Definition Of False Personation Of A Judicial Or Governmental Official

A person commits the offense of false personation of a [(judicial) (governmental)] official when he falsely represents himself to be [(an attorney authorized to practice law) (a public officer) (a public employee)].

Committee Note

720 ILCS 5/32-5 (West, 1999) (formerly Ill.Rev.Stat. ch. 38, §32-5 (1991)).

Give Instruction 22.44.

Use applicable bracketed material.

22.44 Issue In False Personation Of A Judicial Or Governmental Official

To sustain the charge of personation of a [(judicial) (governmental)] official, the State must prove the following proposition:

That the defendant falsely represented himself to be [(an attorney authorized to practice law) (a public officer) (a public employee)].

If you find from your consideration of all the evidence that this proposition has been proved beyond a reasonable doubt, you should find the defendant guilty.

If you find from your consideration of all the evidence that this proposition has not been proved beyond a reasonable doubt, you should find the defendant not guilty.

Committee Note

720 ILCS 5/32-5 (West, 1999) (formerly Ill.Rev.Stat. ch. 38, §32-5 (1991)).

Give Instruction 22.43.

When accountability is an issue, ordinarily insert the phrase "or one for whose conduct he is legally responsible" after the word "defendant" in each proposition. See Instruction 5.03.

22.45 Definition Of Performance Of An Unauthorized Act

A person commits the offense of performance of an unauthorized act when he [(conducts a marriage ceremony) (acknowledges the execution of a document which by law may be recorded) (becomes a surety for a party in a [(civil) (criminal)] proceeding before a [(court) (public officer authorized to accept such surety)])] when he knows that he is not authorized by law to do so.

Committee Note

720 ILCS 5/32-6 (West, 1999) (formerly Ill.Rev.Stat. ch. 38, §32-6 (1991)).

Give Instruction 22.46.

Use applicable bracketed material.

22.46 Issues In Performance Of An Unauthorized Act

To sustain the charge of performance of an unauthorized act, the State must prove the following propositions:

First Proposition: That the defendant [(conducted a marriage ceremony) (acknowledged execution of a document which by law may be recorded) (became a surety for a party in a [(civil) (criminal)] proceeding before a [(court) (public officer authorized to accept such surety)])]; and

Second Proposition: That when the defendant did so, he knew that he was not authorized by law to do so.

If you find from your consideration of all the evidence that each one of these propositions has been proved beyond a reasonable doubt, you should find the defendant guilty.

If you find from your consideration of all the evidence that any one of these propositions has not been proved beyond a reasonable doubt, you should find the defendant not guilty.

Committee Note

720 ILCS 5/32-6 (West, 1999) (formerly Ill.Rev.Stat. ch. 38, §32-6 (1991)).

Give Instruction 22.45.

Use applicable bracketed material.

When accountability is an issue, ordinarily insert the phrase “or one for whose conduct he is legally responsible” after the word “defendant” in each proposition. See Instruction 5.03.

22.47 Definition Of Simulating Legal Process

A person commits the offense of simulating legal process when he [(issues) (delivers)] a document which he knows falsely purports to be or simulates any [(civil) (criminal)] process.

Committee Note

720 ILCS 5/32-7 (West, 1999) (formerly Ill.Rev.Stat. ch. 38, §32-7 (1991)).

Give Instruction 22.48.

Use applicable bracketed material.

22.48 Issue In Simulating Legal Process

To sustain the charge of simulating legal process, the State must prove the following proposition:

That the defendant [(issued) (delivered)] a document which he knew falsely purported to be or simulated a [(civil) (criminal)] process.

If you find from your consideration of all the evidence that this proposition has been proved beyond a reasonable doubt, you should find the defendant guilty.

If you find from your consideration of all the evidence that this proposition has not been proved beyond a reasonable doubt, you should find the defendant not guilty.

Committee Note

720 ILCS 5/32-7 (West, 1999) (formerly Ill.Rev.Stat. ch. 38, §32-7 (1991)).

Give Instruction 22.47.

Use applicable bracketed material.

When accountability is an issue, ordinarily insert the phrase "or one for whose conduct he is legally responsible" after the word "defendant" in each proposition. See Instruction 5.03.

22.49 Definition Of Tampering With Public Records

A person commits the offense of tampering with public records when he knowingly and without lawful authority [(alters) (destroys) (defaces) (removes) (conceals)] a public record.

Committee Note

720 ILCS 5/32-8 (West, 1999) (formerly Ill.Rev.Stat. ch. 38, §32-8 (1991)).

Give Instruction 22.50.

Use applicable bracketed material.

22.50 Issue In Tampering With Public Records

To sustain the charge of tampering with public records, the State must prove the following proposition:

That the defendant knowingly and without lawful authority [(altered) (destroyed) (defaced) (removed) (concealed)] a public record.

If you find from your consideration of all the evidence that this proposition has been proved beyond a reasonable doubt, you should find the defendant guilty.

If you find from your consideration of all the evidence that this proposition has not been proved beyond a reasonable doubt, you should find the defendant not guilty.

Committee Note

720 ILCS 5/32-8 (West, 1999) (formerly Ill.Rev.Stat. ch. 38, §32-8 (1991)).

Give Instruction 22.49.

Use applicable bracketed material.

When accountability is an issue, ordinarily insert the phrase “or one for whose conduct he is legally responsible” after the word “defendant” in each proposition. See Instruction 5.03.

22.51 Definition Of Tampering With Public Notice

A person commits the offense of tampering with a public notice when he knowingly and without lawful authority [(alters) (destroys) (defaces) (removes) (conceals)] a public notice, posted according to law, during the time for which the notice was to remain posted.

Committee Note

720 ILCS 5/32-9 (West, 1999) (formerly Ill.Rev.Stat. ch. 38, §32-9 (1991)).

Give Instruction 22.52.

Use applicable bracketed material.

22.52 Issues In Tampering With Public Notice

To sustain the charge of tampering with a public notice, the State must prove the following propositions:

First Proposition: That the defendant knowingly and without lawful authority [(altered) (destroyed) (defaced) (removed) (concealed)] a public notice; and

Second Proposition: That the notice had been posted according to law; and

Third Proposition: That the defendant did so during the time for which the notice was to remain posted.

If you find from your consideration of all the evidence that each one of these propositions has been proved beyond a reasonable doubt, you should find the defendant guilty.

If you find from your consideration of all the evidence that any one of these propositions has not been proved beyond a reasonable doubt, you should find the defendant not guilty.

Committee Note

720 ILCS 5/32-9 (West, 1999) (formerly Ill.Rev.Stat. ch. 38, §32-9 (1991)).

Give Instruction 22.51.

Use applicable bracketed material.

When accountability is an issue, ordinarily insert the phrase "or one for whose conduct he is legally responsible" after the word "defendant" in each proposition. See Instruction 5.03.

22.53 Definition Of Violation Of Bail Bond

A person commits the offense of violation of bail bond when he has been admitted to bail for appearance before a court in this State, and incurs a forfeiture of the bail, and knowingly fails to surrender himself within 30 days following the forfeiture of the bail.

Committee Note

720 ILCS 5/32-10 (West 2019).

Give Instruction 22.54.

The purpose for which bail is posted controls the degree of the offense.

22.53A Definition Of Violation Of Bail Bond By Possessing A Firearm

A person commits the offense of violation of bail bond by possessing a firearm when he has been admitted to bail and when he knowingly violates a condition of his bail bond that he not possess a firearm by knowingly possessing a firearm.

Committee Note

720 ILCS 5/32-10(a-5) (West 2019), added by P.A. 88-680, effective January 1, 1995; amended by P.A. 97-1108, effective January 1, 2013.

Give Instruction 22.54A.

22.54 Issues In Violation Of Bail Bond

To sustain the charge of violation of bail bond, the State must prove the following propositions:

First Proposition: That the defendant had been admitted to bail for appearance before a court in this State; and

Second Proposition: That the bail was forfeited; and

Third Proposition: That the defendant knowingly failed to surrender himself within 30 days following the forfeiture of the bail.

If you find from your consideration of all the evidence that each one of these propositions has been proved beyond a reasonable doubt, you should find the defendant guilty.

If you find from your consideration of all the evidence that any one of these propositions has not been proved beyond a reasonable doubt, you should find the defendant not guilty.

Committee Note

720 ILCS 5/32-10 (West 2019).

Give Instruction 22.53.

The State need not prove notice of forfeiture was sent to the defendant's last known address. *People v. Ratliff*, 65 Ill.2d 314, 357 N.E.2d 1172 (1976).

When accountability is an issue, ordinarily insert the phrase “or one for whose conduct he is legally responsible” after the word “defendant” in each proposition. See Instruction 5.03.

22.54A Issues In Violation Of Bail Bond By Possessing A Firearm

To sustain the charge of violation of bail bond by possessing a firearm, the State must prove the following propositions:

First Proposition: That the defendant had been admitted to bail;

Second Proposition: That the defendant knew a condition of his bail was that he not possess a firearm; and

Third Proposition: That the defendant violated this condition by knowingly possessing a firearm.

If you find from your consideration of all the evidence that each one of these propositions has been proved beyond a reasonable doubt, you should find the defendant guilty.

If you find from your consideration of all the evidence that any one of these propositions has not been proved beyond a reasonable doubt, you should find the defendant not guilty.

Committee Note

720 ILCS 5/32-10(a-5) (West 2019), added by P.A. 88-680, effective January 1, 1995; amended by P.A. 97-1108, effective January 1, 2013.

Give Instruction 22.53A.

When accountability is an issue, ordinarily insert the phrase “or one for whose conduct he is legally responsible” after the word “defendant” in each proposition. See Instruction 5.03.

22.55 Definition Of Bringing Contraband Into A Penal Institution

A person commits the offense of bringing contraband into a penal institution when he, knowingly and without authority of any person [(designated) (authorized)] to grant such authority,

[1] brings an item of contraband into a penal institution.

[or]

[2] causes another to bring an item of contraband into a penal institution.

[or]

[3] places an item of contraband in such proximity to a penal institution as to give an inmate access to the contraband.

Committee Note

720 ILCS 5/31A-1.1(a) (West, 1999) (formerly Ill.Rev.Stat. ch. 38, §31A-1.1(a) (1991)), as amended by P.A. 86-866, effective January 1, 1990.

Give Instruction 22.56.

Give Instruction 22.69C, defining the word "contraband," and Instruction 22.69, defining the term "penal institution." Do not use Instruction 4.09, which defines the term "penal institution" for other offenses.

Give applicable paragraphs and bracketed material.

The bracketed numbers are present solely for the guidance of court and counsel and should not be included in the instruction submitted to the jury.

22.56 Issues In Bringing Contraband Into A Penal Institution

To sustain the charge of bringing contraband into a penal institution, the State must prove the following propositions:

First Proposition: That the defendant knowingly brought an item of contraband into a penal institution;

[or]

First Proposition: That the defendant knowingly caused another to bring an item of contraband into a penal institution;

[or]

First Proposition: That the defendant knowingly placed an item of contraband in such proximity to a penal institution as to give an inmate access to the contraband;

and

Second Proposition: That the defendant did so without authority from the person[s] [(designated) (authorized)] to grant such authority.

If you find from your consideration of all the evidence that each one of these propositions has been proved beyond a reasonable doubt, you should find the defendant guilty.

If you find from your consideration of all the evidence that any one of these propositions has not been proved beyond a reasonable doubt, you should find the defendant not guilty.

Committee Note

720 ILCS 5/31A-1.1(a) (West, 1999) (formerly Ill.Rev.Stat. ch. 38, §31A-1.1(a) (1991)).

Give Instruction 22.55.

Use applicable bracketed material.

When accountability is an issue, ordinarily insert the phrase “or one for whose conduct he is legally responsible” after the word “defendant” in each proposition. See Instruction 5.03.

22.57 Definition Of Possessing Contraband In A Penal Institution

A person commits the offense of possessing contraband in a penal institution when he knowingly possesses contraband in a penal institution, regardless of the intent with which he possesses it.

Committee Note

720 ILCS 5/31A-1.1(b) (West 1992) (formerly Ill.Rev.Stat. ch. 38, §31A-1(b) (1991)).

Give Instruction 22.58.

In People v. Farmer, 165 Ill.2d 194, 207, 650 N.E.2d 1006, 1012, 209 Ill.Dec. 33, 39 (1995), the supreme court held that knowledge is the appropriate mental state required by Section 31A-1.1(b).

22.58 Issues In Possessing Contraband In A Penal Institution

To sustain the charge of possessing contraband in a penal institution, the State must prove the following propositions:

First Proposition: That the defendant knowingly possessed contraband, regardless of the intent with which he possessed it; and

Second Proposition: That when the defendant did so, he was in a penal institution.

If you find from your consideration of all the evidence that each one of these propositions has been proved beyond a reasonable doubt, you should find the defendant guilty.

If you find from your consideration of all the evidence that any one of these propositions has not been proved beyond a reasonable doubt, you should find the defendant not guilty.

Committee Note

720 ILCS 5/31A-1.1(b) (West 1992) (formerly Ill.Rev.Stat. ch. 38, §31A-1(b) (1991)).

Give Instruction 22.57.

In People v. Farmer, 165 Ill.2d 194, 207, 650 N.E.2d 1006, 1012, 209 Ill.Dec. 33, 39 (1995), the supreme court held that knowledge is the appropriate mental state required by Section 31A-1.1(b).

When accountability is an issue, ordinarily insert the phrase “or one for whose conduct he is legally responsible” after the word “defendant” in each proposition. See Instruction 5.03.

22.59 Affirmative Defense To Possessing Contraband In A Penal Institution--Authorized Possession

It is a defense to the charge of possessing contraband in a penal institution that such possession was specifically authorized by [an order issued pursuant to] a [(rule) (regulation) (directive)] of the governing authority of the penal institution.

Committee Note

720 ILCS 5/31A-1.1(k) (West, 1999) (formerly Ill.Rev.Stat. ch. 38, §31A-1.1(k) (1991)), as amended by P.A. 86-866, effective January 1, 1990.

Give Instruction 22.60.

Give Instruction 22.69C, defining the word "contraband," and Instruction 22.69, defining the term "penal institution." Do not give Instruction 4.09, which defines the term "penal institution" for other offenses.

Give this instruction when the issue is raised by the evidence. Modify the issues instruction in accordance with the Introduction to Chapter 24-25.00.

This defense is not available to a defendant charged with the offense of Bringing Contraband into a Penal Institution, Chapter 720, Section 31A-1.1(a).

Use applicable bracketed material.

22.60 Issues In Affirmative Defense To Possessing Contraband In A Penal Institution--Authorized Possession

____ *Proposition:* That at the time the defendant possessed contraband in a penal institution, such possession was not specifically authorized by [an order issued pursuant to] a [(rule) (regulation) (directive)] of the governing authority of the penal institution.

Committee Note

720 ILCS 5/31A-1.1(k) (West, 1999) (formerly Ill.Rev.Stat. ch. 38, §31A-1.1(k) (1991)).

Give Instruction 22.59.

Insert in the blank the number of the proposition.

Use applicable bracketed material.

22.61 Affirmative Defense To Bringing Or Possessing Contraband In A Penal Institution--Possession At Arrest

It shall be a defense to the charge of [(bringing) (possessing)] contraband in a penal institution that the person [(bringing contraband into) (possessing contraband in)] a penal institution had been arrested, and that person possessed such contraband at the time of his arrest, and that such contraband was [(brought into) (possessed in)] the institution by that person as a direct and immediate result of his arrest.

Committee Note

720 ILCS 5/31A-1.1(*l*) (West, 1999) (formerly Ill.Rev.Stat. ch. 38, §31A-1.1(*l*) (1991)), added by P.A. 86-1003, effective January 1, 1990.

Give Instruction 22.62.

Give Instruction 22.69C, defining the word "contraband," and Instruction 22.69, defining the term "penal institution." Do not give Instruction 4.09, which defines the term "penal institution" for other offenses.

Give this instruction when the issue is raised by the evidence. Modify the issues instruction in accordance with the Introduction to Chapter 24-25.00.

Use applicable bracketed material.

22.62 Issues In Affirmative Defense To Bringing Or Possessing Contraband In A Penal Institution--Possession At Arrest

____ *Proposition:* That at the time the defendant [(brought contraband into) (possessed contraband in)] a penal institution,

[1] he had not been arrested.

[or]

[2] he was not in possession of the contraband at the time of his arrest.

[or]

[3] the contraband was not [(brought into) (possessed in)] the penal institution as a direct and immediate result of defendant's arrest.

Committee Note

720 ILCS 5/31A-1.1(*l*) (West, 1999) (formerly Ill.Rev.Stat. ch. 38, §31A-1.1(*l*) (1991)).

Give Instruction 22.61.

Insert in the blank the number of the proposition.

Use applicable paragraphs and bracketed material.

The bracketed numbers are present solely for the guidance of court and counsel and should not be included in the instruction submitted to the jury.

22.63 Definition Of Unauthorized Bringing Of Contraband Into A Penal Institution By An Employee

A person commits the offense of unauthorized bringing of contraband into a penal institution by an employee when he, being an employee of a penal institution, knowingly and without authority of any person [(designated) (authorized)] to grant such authority

[1] [(brings) (attempts to bring)] an item of contraband into a penal institution.

[or]

[2] [(causes) (permits)] another to bring an item of contraband into a penal institution.

Committee Note

720 ILCS 5/31A-1.2(a) (West 1994) (formerly Ill.Rev.Stat. ch. 38, §31A-1.2(a) (1991)), added by P.A. 86-866, effective January 1, 1990; amended by P.A. 86-1003, effective January 1, 1990; P.A. 87-905, effective August 14, 1992; and P.A. 88-678, effective July 1, 1995.

Give Instruction 22.64.

Give Instruction 22.69C, defining the word "contraband," Instruction 22.69, defining the term "penal institution", and Instruction 22.69A, defining the term "employee".

If the bracketed alternative "attempts to bring" is selected, give Instruction 22.69M, defining that phrase.

Do not give Instruction 4.09, which defines the term "penal institution" for other offenses, or Instruction 4.11, which defines the term "public employee" for other offenses.

Use applicable paragraphs and bracketed material.

The bracketed numbers are present solely for the guidance of court and counsel and should not be included in the instruction submitted to the jury.

22.64 Issues In Unauthorized Bringing Of Contraband Into A Penal Institution By An Employee

To sustain the charge of unauthorized bringing of contraband into a penal institution by an employee, the State must prove the following propositions:

First Proposition: That the defendant was an employee of a penal institution; and

[1] *Second Proposition:* That the defendant knowingly [(brought) (attempted to bring)] an item of contraband into a penal institution; and

[or]

[2] *Second Proposition:* That the defendant knowingly [(caused) (permitted)] another to bring an item of contraband into a penal institution; and

Third Proposition: That the defendant did so without authority from the person[s] [(designated) (authorized)] to grant such authority.

If you find from your consideration of all the evidence that each one of these propositions has been proved beyond a reasonable doubt, you should find the defendant guilty.

If you find from your consideration of all the evidence that any one of these propositions has not been proved beyond a reasonable doubt, you should find the defendant not guilty.

Committee Note

720 ILCS 5/31A-1.2(a) (West 1994) (formerly Ill.Rev.Stat. ch. 38, §31A-1.2(a) (1991)), added by P.A. 86-866, effective January 1, 1990; amended by P.A. 86-1003, effective January 1, 1990; P.A. 87-905, effective August 14, 1992; and P.A. 88-678, effective July 1, 1995.

Give Instruction 22.63.

The bracketed numbers [1] and [2] correspond to the alternatives of the same number in Instruction 22.63, the definitional instruction for this offense. Select the corresponding alternative Second Proposition to the alternative selected from the definitional instruction.

Use applicable bracketed material.

The bracketed numbers are present solely for the guidance of court and counsel and should not be included in the instruction submitted to the jury.

When accountability is an issue, ordinarily insert the phrase “or one for whose conduct he is legally responsible” after the word “defendant” in each proposition. See Instruction 5.03.

22.65 Definition Of Unauthorized Possession Of Contraband In A Penal Institution By An Employee

A person commits the offense of unauthorized possession of contraband in a penal institution by an employee when he, being an employee of a penal institution, knowingly and without authority of any person [(designated) (authorized)] to grant such authority possesses [(cannabis) (a controlled substance) (a hypodermic syringe)] in a penal institution, regardless of the intent with which he possesses it.

Committee Note

720 ILCS 5/31A-1.2(b) (West, 1999) (formerly Ill.Rev.Stat. ch. 38, §31A-1.2(b) (1991)), added by P.A. 86-866, effective January 1, 1990.

Give Instruction 22.66.

Give Instruction 22.69, defining the term "penal institution," and Instruction 22.69A, defining the word "employee."

Do not give Instruction 4.09, which defines the term "penal institution" for other offenses, or Instruction 4.11, which defines the term "public employee" for other offenses.

Use applicable bracketed material.

22.66 Issues In Unauthorized Possession Of Contraband In A Penal Institution By An Employee

To sustain the charge of unauthorized possession of contraband in a penal institution by an employee, the State must prove the following propositions:

First Proposition: That the defendant was an employee of a penal institution; and

Second Proposition: That the defendant knowingly possessed [(cannabis) (a controlled substance) (a hypodermic syringe)] regardless of the intent with which he possessed it; and

Third Proposition: That the defendant did so in a penal institution; and

Fourth Proposition: That the defendant did so without authority from the person[s] [(designated) (authorized)] to grant such authority.

If you find from your consideration of all the evidence that each one of these propositions has been proved beyond a reasonable doubt, you should find the defendant guilty.

If you find from your consideration of all the evidence that any one of these propositions has not been proved beyond a reasonable doubt, you should find the defendant not guilty.

Committee Note

720 ILCS 5/31A-1.2(b) (West, 1999) (formerly Ill.Rev.Stat. ch. 38, §31A-1.2(b) (1991)).

Give Instruction 22.65.

Use applicable bracketed material.

When accountability is an issue, ordinarily insert the phrase “or one for whose conduct he is legally responsible” after the word “defendant” in each proposition. See Instruction 5.03.

22.67 Definition Of Unauthorized Delivery Of Contraband In A Penal Institution By An Employee

A person commits the offense of unauthorized delivery of contraband by an employee when he, being an employee of a penal institution, knowingly and without authority of any person [(designated) (authorized)] to grant such authority,

[1] [(delivers) (possesses with intent to deliver)] an item of contraband to any inmate of a penal institution.

[or]

[2] [(conspires to deliver) (solicits the delivery of)] an item of contraband to any inmate of a penal institution.

[or]

[3] [(causes) (permits)] the delivery of an item of contraband to any inmate of a penal institution.

[or]

[4] permits another person to attempt to deliver an item of contraband to any inmate of a penal institution.

Committee Note

720 ILCS 5/31A-1.2(c) (formerly Ill.Rev.Stat. ch. 38, §31A-1.2(c) (1991)), added by P.A. 86-866, effective January 1, 1990; amended by P.A. 86-1003, effective January 1, 1990; P.A. 87-905, effective August 14, 1992; and P.A. 88-678, effective July 1, 1995.

Give Instruction 22.68.

Give Instruction 22.69C, defining the word "contraband", Instruction 22.69, defining the term "penal institution", and Instruction 22.69A, defining the word "employee".

If the bracketed alternative in paragraph [2] "conspires to deliver" is selected, give Instruction 22.69N, defining that phrase.

If the bracketed alternative in paragraph [2] "solicits the delivery of" is selected, give Instruction 22.69P, defining that phrase.

If paragraph [4] is used, give Instruction 22.69M, defining the word "attempt."

Do not give Instruction 4.09, which defines the term "penal institution" for other offenses, or Instruction 4.11, which defines the term "public employee" for other offenses.

Use applicable paragraphs and bracketed material.

The bracketed numbers are present solely for the guidance of court and counsel and should not be included in the instruction submitted to the jury.

22.68 Issues In Unauthorized Delivery Of Contraband In A Penal Institution By An Employee

To sustain the charge of unauthorized delivery of contraband in a penal institution by an employee, the State must prove the following propositions:

First Proposition: That the defendant was an employee of a penal institution; and

[1] *Second Proposition:* That the defendant knowingly [(delivered) (possessed with intent to deliver)] an item of contraband to an inmate of a penal institution;

[or]

[2] *Second Proposition:* That the defendant knowingly [(conspired to deliver) (solicited the delivery of)] an item of contraband to an inmate of a penal institution;

[or]

[3] *Second Proposition:* That the defendant [(caused) (permitted)] the delivery of an item of contraband to an inmate of a penal institution;

[or]

[4] *Second Proposition:* That the defendant knowingly permitted another person to attempt to deliver an item of contraband to an inmate of a penal institution;

and

Third Proposition: That the defendant did so without authority of the person[s] [(designated) (authorized)] to grant such authority.

If you find from your consideration of all the evidence that each one of these propositions has been proved beyond a reasonable doubt, you should find the defendant guilty.

If you find from your consideration of all the evidence that any one of these propositions has not been proved beyond a reasonable doubt, you should find the defendant not guilty.

Committee Note

720 ILCS 5/31A-1.2(c) (West 1994) (formerly Ill.Rev.Stat. ch. 38, §31A-1.2(c) (1991)), added by P.A. 86-866, effective January 1, 1990; amended by P.A. 86-1003, effective January 1, 1990; P.A. 87-905, effective August 14, 1992; and P.A. 88-678, effective July 1, 1995.

Give Instruction 22.67.

The bracketed numbers [1] through [4] correspond to the alternatives of the same number in Instruction 22.67, the definitional instruction for this offense. Select the corresponding alternative Second Proposition to the alternative selected from the definitional instruction.

Use applicable bracketed material.

The bracketed numbers are present solely for the guidance of court and counsel and should not be included in the instruction submitted to the jury.

When accountability is an issue, ordinarily insert the phrase “or one for whose conduct he is legally responsible” after the word “defendant” in each proposition. See Instruction 5.03.

22.69 Definition Of Penal Institution

The term "penal institution" means any penitentiary, state farm, reformatory, prison, jail, house of corrections, police detention area, half-way house, or other institution or place for the incarceration or custody of persons under sentence for offenses, under arrest for an offense, a violation of probation, a violation of parole, or a violation of mandatory supervised release, or awaiting a bail setting hearing or preliminary hearing. However, where the place for incarceration or custody is housed within another public building, the term shall not apply to that part of such building unrelated to the incarceration or custody of persons.

Committee Note

720 ILCS 5/31A-1.1(c) and 31A-1.2(d)(1) (West, 1999) (formerly Ill.Rev.Stat. ch. 38, §§31A-1.1(c) and 31A-1.2(d)(1) (1991)), as amended by P.A. 86-866, effective January 1, 1990.

This definition of the term "penal institution" differs from Instruction 4.09. This instruction applies only to violations of Chapter 720, Sections 31A-1.1 and 31A-1.2.

22.69a Definition Of Employee Of A Penal Institution

The word "employee" or term "employee of a penal institution" means any

[1] [(elected) (appointed)] [(officer) (trustee) (employee)] of [(a penal institution) (the governing authority of the penal institution)].

[or]

[2] person who performs services for the penal institution pursuant to a contract with the penal institution or its governing authority.

Committee Note

720 ILCS 5/31A-1.2(d)(2) (West, 1999) (formerly Ill.Rev.Stat. ch. 38, §31A-1.2(d)(2) (1991)), added by P.A. 86-866, and amended by P.A. 86-1003, effective January 1, 1990.

This definition applies only to violations of Chapter 720, Section 31A-1.2.

Use applicable paragraphs and bracketed material.

The numbers appearing in brackets are present solely for the guidance of court and counsel and should not be included in the instruction submitted to the jury.

22.69B Definition Of Deliver Or Delivery

The word “deliver” or “delivery” means the actual, constructive, or attempted transfer of possession of an item of contraband, with or without consideration, whether or not there is an agency relationship.

Committee Note

720 ILCS 5/31A-1.2(d)(3) (West, 1999) (formerly Ill.Rev.Stat. ch. 38, §31A-1.2(d)(3) (1991)), added by P.A. 86-866, effective January 1, 1990.

This definition applies only to violations of Chapter 720, Section 31A-1.2.

See 720 ILCS 570/102(h) for a similar definition.

22.69C Definition Of Contraband

The word "contraband" means [(alcoholic liquor) (cannabis) (a controlled substance) (a hypodermic syringe) (a hypodermic needle) (any instrument adapted for use of controlled substances or cannabis by subcutaneous injection) (a weapon) (a firearm) (firearm ammunition) (an explosive) (a tool to defeat security mechanisms) (a cutting tool)].

Committee Note

720 ILCS 5/31A-1.1(c)(2) and 31A-1.2(d)(4) (West 1992) (formerly Ill.Rev.Stat. ch. 38, §§31A-1.1(c)(2) and 31A-1.2(d)(4) (1991)), amended by P.A. 86-866, effective January 1, 1990; and P.A. 88-678, effective July 1, 1995.

This definition applies only to violations of Sections 31A-1.1 and 31A-1.2.

Use applicable bracketed material.

22.69D Definition Of Alcoholic Liquor

The term “alcoholic liquor” means alcohol, spirits, wine, and beer, and every liquid or solid, patented or not, containing alcohol, spirits, wine, or beer, which is capable of being consumed as a beverage by a human being.

Committee Note

720 ILCS 5/31A-1.1(c)(2)(i) and 31A-1.2(d)(4)(i) (West, 1999) (formerly Ill.Rev.Stat. ch. 38, §§31A-1.1(c)(2)(i) and 31A-1.2(d)(4)(i) (1991)), as amended by P.A. 86-866, effective January 1, 1990.

This definition is based upon 235 ILCS 5/1-3.05, The Liquor Control Act of 1934, as amended.

22.69E Definition Of Cannabis

The word "cannabis" means marijuana, hashish, and other substances which are identified as including any parts of the plant Cannabis Sativa, whether growing or not; the seeds thereof, the resin extracted from any part of such plant; and any compound, manufacture, salt, derivative, mixture, or preparation of such plant, its seeds, or resin, including tetrahydrocannabinol (THC) and all other cannabinol derivatives, including its naturally occurring or synthetically produced ingredients, whether produced directly or indirectly by extraction, or independently by means of chemical synthesis or by a combination of extraction and chemical synthesis; but shall not include the mature stalks of such plant, fiber produced from such stalks, oil or cake made from the seeds of such plant, any other compound, manufacture, salt, derivative, mixture or preparation of such mature stalks (except the resin extracted therefrom), fiber, oil or cake, or the sterilized seed of such plant which is incapable of germination.

Committee Note

720 ILCS 5/31A-1.1(c)(2)(ii) and 31A-1.2(d)(4)(ii) (West, 1999) (formerly Ill.Rev.Stat. ch. 38, §§31A-1.1(c)(2)(ii) and 31A-1.2(d)(4)(ii) (1991)), as amended by P.A. 86-866, effective January 1, 1990.

This definition is based upon 720 ILCS 550/3(a), as amended.

22.69F Definition Of Controlled Substance

The term "controlled substance" means ____.

Committee Note

720 ILCS 5/31A-1.1(c)(2)(iii) and 31A-1.2(d)(4)(iii) (West, 1999) (formerly Ill.Rev.Stat. ch. 38, §§31A-1.1(c)(2)(iii) and 31A-1.2(d)(4)(iii) (1991)), as amended by P.A. 86-866, effective January 1, 1990.

Insert in the blank the name of the controlled substance as defined in 720 ILCS 570/100 *et seq*., the Illinois Controlled Substances Act, as amended.

22.69G Definition Of Weapon

The word "weapon" means a [(knife) (dagger) (dirk) (billy) (razor) (stiletto) (broken bottle) (piece of glass which could be used as a dangerous weapon) (____)].

Committee Note

720 ILCS 5/31A-1.1(c)(2)(v) and 31A-1.2(d)(4)(v) (West, 1999) (formerly Ill.Rev.Stat. ch. 38, §§31A-1.1(c)(2)(v) and 31A-1.2(d)(4)(v) (1991)), as amended by P.A. 86-866, effective January 1, 1990.

Insert in the blank any device or implement designated in Chapter 720, Section 24-1(a)(1), (a)(3), or (a)(6), or any other dangerous weapon or instrument of like character.

Use applicable bracketed material.

22.69H Definition Of Firearm

The word “firearm” means any device, by whatever name known, which is designed to expel a projectile or projectiles by the action of an explosion, expansion of gas, or escape of gas, including, but not limited to,

[1] any pneumatic gun, spring gun, or B-B gun which expels a single globular projectile not exceeding .18 inch in diameter.

[or]

[2] any device used exclusively for signaling or safety and required or recommended by the United States Coast Guard or the Interstate Commerce Commission.

[or]

[3] any device used exclusively for the firing of stud cartridges, explosive rivets, or industrial ammunition.

[or]

[4] any device which is powered by electrical charging unit, such as batteries, and which fires one or several barbs attached to a length of wire and which, upon hitting a human, can send out current capable of disrupting the person's nervous system in such a manner as to render him incapable of normal functioning, commonly referred to as a stun gun or taser.

Committee Note

720 ILCS 5/31A-1.1(c)(2)(vi) and 31A-1.2(d)(4)(vi) (West, 1999) (formerly Ill.Rev.Stat. ch. 38, §§31A-1.1(c)(2)(vi) and 31A-1.2(d)(4)(vi) (1991)), as amended by P.A. 86-866, effective January 1, 1990.

This definition applies only to violations of Chapter 720, Sections 31A-1.1 and 31A-1.2.

Use applicable paragraphs.

The bracketed numbers are present solely for the guidance of court and counsel and should not be included in the instruction submitted to the jury.

22.69I Definition Of Firearm Ammunition

The term "firearm ammunition" means any self-contained cartridge or shotgun shell, by whatever name known, which is designed to be used or adaptable to use in a firearm, including, but not limited to,

[1] any ammunition exclusively designed for the use with a device used exclusively for signing or safety and required or recommended by the United States Coast Guard or the Interstate Commerce Commission.

[or]

[2] any ammunition designed exclusively for use with a stud or rivet driver or other similar industrial ammunition.

Committee Note

720 ILCS 5/31A-1.1(c)(2)(vii) and 31A-1.2(d)(4)(vii) (West, 1999) (formerly Ill.Rev.Stat. ch. 38, §§31A-1.1(c)(2)(vii) and 31A-1.2(d)(4)(vii) (1991)), as amended by P.A. 86-866, effective January 1, 1990.

This definition applies only to violations of Chapter 720, Section 31A-1.1 and Section 31A-1.2.

Use applicable paragraphs.

The bracketed numbers are present solely for the guidance of court and counsel and should not be included in the instruction submitted to the jury.

22.69J Definition Of Explosive

The word "explosive" means [(bomb) (bombshell) (grenade) (bottle or other container containing an explosive substance of over one-quarter ounce for like purpose such as black powder bombs and Molotov cocktails) (artillery projectiles) (____)].

Committee Note

720 ILCS 5/31A-1.1(c)(2)(viii) and 31A-1.2(d)(5)(viii) (West, 1999) (formerly Ill.Rev.Stat. ch. 38, §§31A-1.1(c)(2)(viii) and 31A-1.2(d)(5)(viii) (1991)), as amended by P.A. 86-866, effective January 1, 1990.

This definition applies only to violations of Chapter 38, Sections 31A-1.1 and 31A-1.2.

Insert in the blank any other similar substance or device such as black powder bombs, Molotov cocktails, or artillery projectiles.

Use applicable bracketed material.

22.69K Definition Of Tool To Defeat Security Mechanisms

The phrase "tool to defeat security mechanisms" means, but is not limited to, a [(handcuff or security restraint key) (tool designed to pick locks) (device or instrument capable of unlocking [(handcuffs or security restraints) (doors to rooms) (doors to cells) (doors to gates) (doors to any area of the penal institution)] (____)].

Committee Note

720 ILCS 5/31A-1.1(c)(ix) and 31A-1.2(c)(ix) (West 1994), added by P.A. 88-678, effective July 1, 1995.

This definition applies only to violations of Section 31A-1.1 and Section 31A-1.2.

Insert in the blank any other similar tool or devise.

Use applicable bracketed material.

22.69L Definition Of Cutting Tool

The term "cutting tool" means, but is not limited to, a [(hacksaw blade) (wirecutter) (device, instrument, or file capable of cutting through metal)].

Committee Note

720 ILCS 5/31A-1.1(c)(x) and 31A-1.2(c)(x) (West 1994), added by P.A. 88-678, effective July 1, 1995.

This definition applies only to violations of Section 31A-1.1 and Section 31A-1.2.

Use applicable bracketed material.

22.69M Definition Of Attempt--Contraband Into A Penal Institution

A person attempts to [(bring contraband into) (deliver contraband in)] a penal institution when he, with the intent to [(bring contraband into) (deliver contraband in)] a penal institution, does any act which constitutes a substantial step toward [(bringing contraband into) (delivering contraband in)] a penal institution.

The [(bringing of contraband into) (delivery of contraband in)] a penal institution need not have been completed.

Committee Note

This definitional instruction applies only to the offenses of (1) unauthorized bringing of contraband into a penal institution by an employee, or (2) unauthorized delivery of contraband in a penal institution by an employee, 720 ILCS 5/31A-1.2(a)(1) and 31A-1.2(c)(4) (West 1994). Do not use this instruction in conjunction with any other offense.

Use applicable bracketed material.

22.69N Definition Of Conspiracy--Contraband In A Penal Institution

A person conspires to deliver when he, with intent that the offense of unauthorized delivery of contraband in a penal institution by an employee be committed, agrees with [(another) (others)] to the commission of the offense and an act in furtherance of the agreement is performed by any party to the agreement.

An agreement may be implied from the conduct of the parties although they acted separately or by different means and did not come together or enter into an express agreement.

It is not necessary that the conspirators succeed in delivering an item of contraband in a penal institution.

Committee Note

This definitional instruction applies only to violations of unauthorized delivery of contraband in a penal institution by an employee, 720 ILCS 5/31A-1.2(c)(2) (West 1994). Do *not* use this instruction in conjunction with any other offense.

See People v. Foster, 99 Ill.2d 48, 457 N.E.2d 405, 75 Ill.Dec. 411 (1983), regarding the distinction between unilateral and bilateral theories of conspiracy.

Use applicable bracketed material.

22.69P Definition Of Solicitation--Contraband In A Penal Institution

A person solicits the delivery of an item when, with intent that the offense of unauthorized delivery of contraband in a penal institution by an employee be committed, he [(commands) (encourages) (urges) (incites) (requests) (advises)] another to commit the offense of unauthorized delivery of contraband in a penal institution by an employee.

The delivery of contraband in a penal institution need not have been completed.

Committee Note

720 ILCS 5/2-20 (West 1994) (formerly Ill.Rev.Stat. ch. 38, §2-20 (1991)).

This definitional instruction applies only to violations of unauthorized delivery of contraband in a penal institution by an employee, 720 ILCS 5/31A-1.2(c)(2) (West 1994). Do not use this instruction in conjunction with any other offense.

Use applicable bracketed material.

22.70 Definition Of False Personation Of A Peace Officer

A person commits the offense of false personation of a peace officer when he knowingly and falsely represents himself to be a peace officer of any jurisdiction.

Committee Note

720 ILCS 5/32-5.1 (West 1992) (formerly Ill.Rev.Stat. ch. 38, §32-5.1 (1991)).

Give Instruction 22.71.

Give Instruction 4.08, defining the term “peace officer”.

22.71 Issue In False Personation Of A Peace Officer

To sustain the charge of false personation of a peace officer, the State must prove the following proposition:

That the defendant knowingly and falsely represented himself to be a peace officer of any jurisdiction.

If you find from your consideration of all the evidence that this proposition has been proved beyond a reasonable doubt, you should find the defendant guilty.

If you find from your consideration of all of the evidence that this proposition has not been proved beyond a reasonable doubt, you should find the defendant not guilty.

Committee Note

720 ILCS 5/32-5.1 (West 1992) (formerly Ill.Rev.Stat. ch. 38, §32-5.1 (1991)).

Give Instruction 22.70.

When accountability is an issue, ordinarily insert the phrase "or one for whose conduct he is legally responsible" after the word "defendant" in the above proposition. See Instruction 5.03.

22.72 Definition Of Aggravated False Personation Of A Peace Officer

A person commits the offense of aggravated false personation of a peace officer when he knowingly and falsely represents himself to be a peace officer of any jurisdiction while [(attempting to commit) (committing)] a felony.

Committee Note

720 ILCS 5/32-5.2 (West 1992) (formerly Ill.Rev.Stat. ch. 38, §32-5.2 (1991)).

Give Instruction 22.73.

Give Instruction 4.08, defining the term “peace officer”.

Use applicable bracketed material.

22.73 Issues In Aggravated False Personation Of A Peace Officer

To sustain the charge of aggravated false personation of a peace officer, the State must prove the following propositions:

First Proposition: That the defendant knowingly and falsely represented himself to be a peace officer of any jurisdiction; and

Second Proposition: That when the defendant did so, he was [(committing) (attempting to commit)] the felony of _____.

If you find from your consideration of all the evidence that each one of these propositions has been proved beyond a reasonable doubt, you should find the defendant guilty.

If you find from your consideration of all the evidence that any one of these propositions has not been proved beyond a reasonable doubt, you should find the defendant not guilty.

Committee Note

720 ILCS 5/32-5.2 (West 1992) (formerly Ill.Rev.Stat. ch. 38, §32-5.2 (1991)).

Give Instruction 22.72.

Insert in the blank the name of the felony defendant is charged with committing or attempting to commit.

Use applicable bracketed material.

When accountability is an issue, ordinarily insert the phrase “or one for whose conduct he is legally responsible” after the word “defendant” in each proposition. See Instruction 5.03.

22.74 Definition Of Violation Of Bail Bond By Possessing A Firearm

Committee Note

IPI 22.74, definition of violation of bail bond by possessing a firearm, and 22.75, issues in violation of bail bond by possessing a firearm, have been renumbered 22.53A and 22.54A respectively.

22.75 Definition Of Escape From Geographic Boundaries Of Electronic Monitoring Or Home Detention Program

A person [(charged with a (felony) (misdemeanor)) (convicted of a misdemeanor)] commits the offense of escape when he is conditionally released from a supervising authority through [(an electronic monitoring) (a home detention)] program and [while armed with a dangerous weapon,] he knowingly [(escapes) (leaves)] from the geographic boundaries of the program with the intent to evade prosecution.

Committee Note

730 ILCS 5/5-8A-4.1 (West 2024).

Give Instruction 22.76.

Use applicable bracketed material.

When this offense is committed while armed with a dangerous weapon, this offense becomes a Class 1 felony. 730 ILCS 5/5-8A-4.1(c). Use the bracketed phrase "[while armed with a dangerous weapon,]" when the Class 1 felony version of this offense is charged.

The Committee has not included the statutory language "an act which, if committed by an adult, would constitute a felony" in the instruction because the Committee believes that determining whether an act would constitute a felony is a question of law for the court, not a question of fact for the jury.

For the offense of failure to comply with a condition of the electronic monitoring or home detention program (730 ILCS 5/5-8A-4.15(b)), see Instruction 22.75X.

22.75X Failure To Comply With a Condition of Electronic Monitoring or Home Detention Program

A person violates a condition of [(an electronic monitoring) (a home detention)] program by knowingly and intentionally [(removing) (disabling) (destroying) (circumventing the operation of)] an approved electronic monitoring device.

Committee Note

730 ILCS 5/5-8A-4.15(b) (West 2024).

Give Instruction 22.76X.

Use applicable bracketed material.

Subsection (a) of the statute (730 ILCS 5/5-8A-4.15(a)) pertains to sanctions for violating of a condition of electronic monitoring or home detention program and is not a substantive criminal offense.

For definitions of “electronic monitoring”, “home detention”, and “approved electronic monitoring” see 730 ILCS 5/5-8A-2 (West 2024).

For the offense of escaping or leaving from the geographic boundaries of an electronic monitoring or home detention program with the intent to evade prosecution (730 ILCS 5/5-8A-4.1) see Instruction 22.75.

22.76 Issues In Escape From Geographic Boundaries Of Electronic Monitoring Or Home Detention Program

To sustain the charge of escape, the State must prove the following propositions:

First Proposition: That the defendant was [(charged with a (felony) (misdemeanor)) (convicted of a misdemeanor)]; and

Second Proposition: That the defendant was conditionally released from a supervising authority through [(an electronic monitoring) (a home detention)] program; and

Third Proposition: That the defendant knowingly [(escaped) (left)] from the geographic boundaries of the program with the intent to evade prosecution [(.) (; and

Fourth Proposition: That when the defendant did so, he was armed with a dangerous weapon.)]

If you find from your consideration of all the evidence that each one of these propositions has been proven beyond a reasonable doubt, you should find the defendant guilty.

If you find from your consideration of all the evidence that any one of these propositions has not been proven beyond a reasonable doubt, you should find the defendant not guilty.

Committee Note

730 ILCS 5/5-8A-4.1 (West 2024).

Give Instruction 22.75.

Use applicable bracketed material.

Use the bracketed Fourth Proposition only when the Class 1 felony version of this offense is charged. See 730 ILCS 5/5-8A-4.1(c); Committee Note to Instruction 22.75.

22.76X Issues In Failure To Comply With a Condition of Electronic Monitoring or Home Detention Program

To sustain a charge of failure to comply with a condition of [(an electronic monitoring) (home detention)] program, the State must prove the following propositions:

First Proposition: That the defendant knowingly and intentionally [(removed) (disabled) (destroyed) (circumvented the operation of)] an approved electronic monitoring; and

Second Proposition: That the defendant's action violated a condition of [(an electronic monitoring) (a home detention)] program.

Committee Note

730 ILCS 5/5-8A-4.15(b) (West 2024).

Give Instruction 22.75X.

Use applicable bracketed material.

22.77 Definition Of Defrauding A Drug And Alcohol Screening Test

A person commits the offense of defrauding a drug or alcohol screening test when he

[1] [(manufactures) (sells) (gives away) (distributes) (markets)] synthetic or human substances or products in this State to defraud a drug or alcohol screening test.

[or]

[2] transports urine into this State with the intent of using the synthetic or human substances or products to defraud a drug or alcohol screening test.

[or]

[3] [(substitutes) (spikes)] a sample with the intent of attempting to foil or defeat a drug or alcohol screening test.

[or]

[4] advertises a [(sample substitution) (spiking device or measure)] with the intent of attempting to foil or defeat a drug or alcohol screening test.

[or]

[5] adulterates synthetic or human substances with the intent to defraud a drug or alcohol screening test.

[or]

[6] [(manufactures) (sells) (possesses)] adulterants that are intended to be used to adulterate synthetic or human substances with the intent of defrauding a drug or alcohol screening test.

Committee Note

Former Instruction 22.77 (Issues In Escape-Failure to Comply With A Condition Of Electronic Home Monitoring Detention Program) has been re-numbered as Instruction 22.76.

720 ILCS 5/17-57 (West 2021).

Give Instruction 22.78.

Give Instruction 22.77A, defining the phrase “drug or alcohol screening test”.

When applicable, give Instruction 22.77B, Inferences in Defrauding Drug and Alcohol Screening Test.

When paragraph [3] is used, a substitution does not require proof that the substance submitted during a screening test is not the urine of the person being tested. *People v. Pearson*, 2020 IL App (2d) 180182.

Use applicable bracketed paragraphs and material.

The brackets and numbers are provided solely for the guidance of court and counsel and should not be included in the instruction submitted to the jury.

22.77A Definition Of A Drug Or Alcohol Screening Test

A drug or alcohol screening test includes, but is not limited to, urine testing, hair follicle testing, perspiration testing, saliva testing, blood testing, fingernail testing, and eye drug testing.

Committee Note

720 ILCS 5/17-57(d) (West 2021).

Section 17-57(d) provides that this definition applies to this offense only.

22.77B Inferences In Defrauding A Drug And Alcohol Screening Test

If you find that [(a heating element or device used to thwart) (instructions that provide a method for thwarting)] a drug or alcohol screening test accompanies the [(sale) (giving) (distribution) (marketing)] of synthetic or human substances or products, you may infer intent to defraud a drug and alcohol screening test.

You are never required to make this inference. It is for the jury to determine whether the inference should be made. You should consider all of the evidence in determining whether to make this inference.

Committee Note

720 ILCS 5/17-57(b) (West 2021).

Section 17-57(b) does not bar a trier of fact from inferring that a person who uses a device like a Whizzinator to provide a urine sample has made a substitution under the statute. *People v. Pearson*, 2020 IL App (2d) 180182.

The Committee notes that this inference is permissive, not mandatory. *People v. Pomykala*, 203 Ill.2d 198, 784 N.E.2d 784 (2003); *People v. Funches*, 212 Ill.2d 334, 818 N.E.2d 342 (2004). Mandatory presumptions are unconstitutional in criminal cases. *People v. Watts*, 181 Ill.2d 133, 692 N.E.2d 315 (1998). Accordingly, the Committee drafted the second paragraph of this instruction.

22.78 Issues In Defrauding A Drug And Alcohol Screening Test

To sustain a charge of defrauding a drug or alcohol screening test, the State must prove the following proposition:

[1] That the defendant [(manufactured) (sold) (gave away) (distributed) (marketed)] synthetic or human substances or other products in this State.

[or]

[2] That the defendant transported urine into this State with the intent of using the synthetic or human substances or other products to defraud a drug or alcohol screening test.

[or]

[3] That the defendant [(substituted) (spiked)] a sample with the intent of attempting to foil or defeat a drug or alcohol screening test.

[or]

[4] That the defendant advertised a [(sample substitution) (spiking device or measure)] with the intent of attempting to foil or defeat a drug or alcohol screening test.

[or]

[5] That the defendant adulterated synthetic or human substances with the intent to defraud a drug or alcohol screening test.

[or]

[6] That the defendant [(manufactured) (sold) (possessed)] adulterants that are intended to be used to adulterate synthetic or human substances with the intent of defrauding a drug or alcohol screening test.

If you find from your consideration of all the evidence that this proposition has been proved beyond a reasonable doubt, you should find the defendant guilty.

If you find from your consideration of all the evidence that this proposition has not been proved beyond a reasonable doubt, you should find the defendant not guilty.

Committee Note

720 ILCS 5/17-57 (West 2021).

Give Instruction 22.77.

The bracketed numbers [1] through [6] correspond to the alternatives of the same number in Instruction 22.77. Select the corresponding alternatives.

The brackets and numbers are provided solely for the guidance of court and counsel and should not be included in the instruction submitted to the jury.

When accountability is an issue, ordinarily insert the phrase “or one for whose conduct he is legally responsible” after the word “defendant” in each proposition. Give Instruction 5.03.