

8.00
Kidnapping

8.01
Definition Of Kidnapping

A person commits the offense of kidnapping when he knowingly and

[1] secretly confines another person against his will.

[or]

[2] by force or by threat of imminent force carries another person from one place to another with intent secretly to confine that other person against his will.

[or]

[3] by deceit or enticement induces another person to go from one place to another place with intent secretly to confine that other person against his will.

Committee Note

720 ILCS 5/10-1 (West 2020).

When applicable, give Instruction 8.01A or 8.01B.

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.

8.01A
Confinement Of A Child Under Age 13

Confinement of a child under the age of 13 years is against that child's will if that confinement is without the consent of that child's parent or legal guardian.

Committee Note

720 ILCS 5/10-1(b) (West 2020).

See Instruction 8.04.

8.01B

Confinement Of A Person With A Severe Or Profound Intellectual Disability

Confinement of a person with a severe or profound intellectual disability is against that person's will if that confinement is without the consent of that person's parent or legal guardian.

Committee Note

720 ILCS 5/10-1(b) (West 2020).

Give Instruction 11.65G, defining "severe or profound intellectual disability".

See Instruction 8.04.

8.02 Issues In Kidnapping

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

First Proposition: That the defendant acted knowingly; and

Second Proposition: That the defendant secretly confined _____ against [(his) (her)] will.

[or]

Second Proposition: That the defendant, by force or threat of imminent force, carried _____ from one place to another place; and

Third Proposition: That when the defendant did so, he intended secretly to confine _____ against [(his) (her)] will.

[or]

Second Proposition: That the defendant, by deceit or enticement, induced _____ to go from one place to another place; and

Third Proposition: That when the defendant did so, he intended secretly to confine _____ against [(his) (her)] will.

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 5/10-1 (West 2020).

Insert in the blanks the name of the victim.

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.

8.03
Reserved

8.04

Definition Of Aggravated Kidnapping

A person who kidnaps another commits the offense of aggravated kidnapping when he

[1] kidnaps with the intent to obtain ransom from the person kidnapped or from any other person.

[or]

[2] takes as his victim [(a child under the age of 13 years) (a person with a severe or profound intellectual disability)].

[or]

[3] [(inflicts great bodily harm, other than by the discharge of a firearm) (commits _____)] upon the victim.

[or]

[4] [(wears a hood, robe, or mask) (conceals his identity)].

[or]

[5] does so while armed with a dangerous weapon other than a firearm.

[or]

[6] does so while armed with a firearm.

[or]

[7] during the commission of the offense of kidnapping, he personally discharges a firearm.

[or]

[8] during the commission of the offense of kidnapping, he personally discharges a firearm that proximately causes great bodily harm, permanent disability, permanent disfigurement, or death to another person.

Committee Note

720 ILCS 5/10-2 (West 2020).

Give Instruction 8.01 and either Instruction 8.05, 8.05A, or 8.05B. The underlying offense of kidnapping can be committed in one of three ways: (1) secret confinement (720 ILCS

5/10(a)(1)); (2) carrying another by force or threat of imminent force (720 ILCS 5/10-1(a)(2)); or (3) inducing travel by deceit or enticement (720 ILCS 5/10-1(a)(3)). When the defendant is charged under Section 10-1(a)(1), give this instruction and Instruction 8.05. When the defendant is charged under Section 10-1(a)(2), give this instruction and Instruction 8.05A. When the defendant is charged under Section 10-1(a)(3), give this instruction and Instruction 8.05B.

Give Instruction 8.01A when the defendant is charged with confining a child under the age of 13 years.

Give Instruction 8.01B when the defendant is charged with confining a person with a severe or profound intellectual disability.

Give Instruction 11.65G when the victim is alleged to be a person with a severe or profound intellectual disability.

Give Instruction 8.04A, defining the word “ransom” when paragraph [1] is used.

In paragraph [3], insert in the blank the name of the applicable felony and give the instruction defining that felony immediately following this instruction.

When paragraph [5] is used, give the definition of the term “dangerous weapon” which is found in 720 ILCS 5/33A-1. See Committee Note to Instruction 4.17.

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.

8.04A
Definition Of Ransom

The word “ransom” means money, benefit, or other valuable thing or concession.

Committee Note

720 ILCS 5/10-2(a) (West 2020).

Give this instruction when paragraph [1] of Instruction 8.04 is used.

8.05

Issues In Aggravated Kidnapping—Kidnapping By Secret Confinement

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

First Proposition: That the defendant secretly confined _____ against [(his) (her)] will; and

Second Proposition: That the defendant acted knowingly; and

Third Proposition: That the defendant acted for the purpose of obtaining ransom from _____ or from any other person.

[or]

Third Proposition: That _____ was [(a child under the age of 13 years who was confined without the consent of [(his) (her)] parent or legal guardian) (a person with a severe or profound intellectual disability who was confined without the consent of [(his) (her)] legal guardian)].

[or]

Third Proposition: That the defendant [(inflicted great bodily harm, other than by the discharge of a firearm) (committed _____)] upon _____.

[or]

Third Proposition: That the defendant [(wore a hood, robe, or mask) (concealed his identity)].

[or]

Third Proposition: That the defendant during the commission of the offense was armed with a dangerous weapon, other than a firearm.

[or]

Third Proposition: That the defendant during the commission of the offense was armed with a firearm.

[or]

Third Proposition: That the defendant during the commission of the offense personally discharged a firearm.

[or]

Third Proposition: That the defendant during the commission of the offense personally discharged a firearm that proximately caused great bodily harm, permanent disability, permanent disfigurement, or death to another person.

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 5/10-1(a) and 5/10-2 (West 2020).

Give Instruction 8.04.

See the Committee Note to Instruction 8.04 concerning whether to give Instruction 8.05, 8.05A, or 8.05B.

Insert in the appropriate blank the name of the victim or specific felony committed. See Committee Note to Instruction 8.04.

Use applicable propositions 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.

8.05A

Issues In Aggravated Kidnapping--Kidnapping By Force Or Threat

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

First Proposition: That the defendant acted knowingly; and

Second Proposition: That the defendant, by force or threat of imminent force, carried _____ from one place to another place; and

Third Proposition: That when the defendant did so, he intended secretly to confine _____ against [(his) (her)] will; and

Fourth Proposition: That the defendant acted for the purpose of obtaining ransom from _____ or from any other person.

[or]

Fourth Proposition: That _____ was [(a child under the age of 13 years who was confined without the consent of [(his) (her)] parent or legal guardian) (a person with a severe or profound intellectual disability who was confined without the consent of [(his) (her)] legal guardian)].

[or]

Fourth Proposition: That the defendant [(inflicted great bodily harm, other than by the discharge of a firearm), (committed _____)] upon _____.

[or]

Fourth Proposition: That the defendant [(wore a hood, robe, or mask) (concealed his identity)].

[or]

Fourth Proposition: That the defendant during the commission of the offense was armed with a dangerous weapon, other than a firearm.

[or]

Fourth Proposition: That the defendant during the commission of the offense was armed with a firearm.

[or]

Fourth Proposition: That the defendant during the commission of the offense personally discharged a firearm.

[or]

Fourth Proposition: That the defendant during the commission of the offense personally discharged a firearm that proximately caused great bodily harm, permanent disability, permanent disfigurement, or death to another person.

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 5/10-1(a)(2) and 5/10-2 (West 2020).

Give Instruction 8.04.

See the Committee Note to Instruction 8.04 concerning whether to give Instruction 8.05, 8.05A, or 8.05B.

Insert in the appropriate blank the name of the victim or specific felony committed. See Committee Note to Instruction 8.04.

Use applicable propositions 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.

8.05B

Issues In Aggravated Kidnapping--Kidnapping By Deceit Or Enticement

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

First Proposition: That the defendant acted knowingly; and

Second Proposition: That the defendant, by deceit or enticement, induced _____ to go from one place to another place; and

Third Proposition: That when the defendant did so, he intended secretly to confine _____ against [(his) (her)] will; and

Fourth Proposition: That the defendant acted for the purpose of obtaining ransom from _____ or from any other person.

[or]

Fourth Proposition: That _____ was [(a child under the age of 13 years who was confined without the consent of [(his) (her)] parent or legal guardian) (a person with a severe or profound intellectual disability who was confined without the consent of [(his) (her)] legal guardian)].

[or]

Fourth Proposition: That the defendant [(inflicted great bodily harm, other than by the discharge of a firearm), (committed _____)] upon _____.

[or]

Fourth Proposition: That the defendant [(wore a hood, robe, or mask) (concealed his identity)].

[or]

Fourth Proposition: That the defendant during the commission of the offense was armed with a dangerous weapon, other than a firearm.

[or]

Fourth Proposition: That the defendant during the commission of the offense was armed with a firearm.

[or]

Fourth Proposition: That the defendant during the commission of the offense personally discharged a firearm.

[or]

Fourth Proposition: That the defendant during the commission of the offense personally discharged a firearm that proximately caused great bodily harm, permanent disability, permanent disfigurement, or death to another person.

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 5/10-1(a)(3) and 5/10-2 (West 2020).

Give Instruction 8.04.

See the Committee Note to Instruction 8.04 concerning whether to give Instruction 8.05, 8.05A, or 8.05B.

Insert in the appropriate blank the name of the victim or specific felony committed. See Committee Note to Instruction 8.04.

Use applicable propositions 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.

8.06
Definition Of Unlawful Restraint

A person commits the offense of unlawful restraint when he knowingly and without legal authority detains another person.

Committee Note

720 ILCS 5/10-3 (West 2020).

Give Instruction 8.07.

If legal authority is a question of fact, an instruction defining legal authority should be given as applied to the facts in the case. See e.g., 720 ILCS 5/16-26 (merchant's defense) and 725 ILCS 5/107-3 (arrest by private person). See also 720 ILCS 5/7-1 *et seq.* (justifiable use of force; exoneration).

8.06A

Definition Of Aggravated Unlawful Restraint

A person commits the offense of aggravated unlawful restraint when he knowingly and without legal authority detains another person while using a deadly weapon.

Committee Note

720 ILCS 5/10-3.1 (West 2020).

Give Instruction 8.07A.

If legal authority is a question of fact, an instruction defining legal authority should be given as applied to the facts in the case. See e.g., 720 ILCS 5/16-26 (merchant's defense) and 725 ILCS 5/107-3 (arrest by private person). See also 720 ILCS 5/7-1 *et seq.* (justifiable use of force; exoneration).

The Committee notes that the legislative phrase “while using a deadly weapon” in 720 ILCS 5/10-3.1 contrasts with the phrase “while armed with a dangerous weapon” found elsewhere in Chapter 720 (See e.g., Sections 10-2(a)(5), 10-4(a)(1), and 33A-2), and defined in 720 ILCS 33A-1(c)(1). The Committee recommends that no definition of the phrase “while using a deadly weapon” be given. See also Instructions 11.03 (regarding the “use of a deadly weapon”).

8.07
Issue In Unlawful Restraint

To sustain the charge of unlawful restraint, the State must prove the following proposition:

That the defendant knowingly and without legal authority detained _____.

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 5/10-3 (West 2020).

Give Instruction 8.06.

When the question of legal authority is involved, see Committee Note to Instruction 8.06.

Insert in the blank the name of the victim.

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.

8.07A
Issues In Aggravated Unlawful Restraint

To sustain the charge of aggravated unlawful restraint, the State must prove the following propositions:

First Proposition: That the defendant knowingly and without legal authority detained _____; and

Second Proposition: That the defendant did so while using a deadly 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 5/10-3.1 (West 2020).

Give Instruction 8.06A.

When the question of legal authority is involved, see Committee Note to Instruction 8.06A.

Insert in the blank the name of the victim.

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.

8.08
Merchant's Defense To Unlawful Restraint

Committee Note

720 ILCS 5/16-26 (West 2020).

The Committee decided not to include an instruction on this defense because so few cases are brought under this statute.

8.09

Definition Of Forcible Detention

A person commits the offense of forcible detention when he holds an individual hostage without lawful authority for the purpose of obtaining performance by a third person of demands made by the person holding the hostage, and

[1] the person holding the hostage is armed with a dangerous weapon.

[or]

[2] the hostage is known to the person holding him to be [(a peace officer) (a correctional employee)] engaged in the performance of his official duties.

Committee Note

720 ILCS 5/10-4 (West 2020).

Give Instruction 8.10.

Give Instruction 4.08, defining the term “peace officer,” when paragraph [2] is given.

When appropriate, give the definition of the term “armed with a dangerous weapon” found in 720 ILCS 5/33A-1(c)(1). See Committee Note to Instruction 4.17.

If lawful authority is a question of fact, an instruction defining lawful authority should be given as applied to the facts in the case. See e.g., 725 ILCS 5/107-3 (arrest by private person). See also 720 ILCS 5/7-1 *et seq.* (justifiable use of force; exoneration).

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.

8.10 Issues In Forcible Detention

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

First Proposition: That the defendant held _____ hostage without lawful authority; and

Second Proposition: That _____ was held hostage for the purpose of obtaining performance by a third person upon the demand of the defendant; and

Third Proposition: That the defendant was armed with a dangerous weapon.

[or]

Third Proposition: That _____ was known to the defendant to be [(a peace officer) (a correctional employee)] 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 5/10-4 (West 2020).

Give Instruction 8.09.

When the question of lawful authority is involved, see Committee Note to Instruction 8.09.

Insert in the blanks the name of the person held hostage.

Use applicable propositions 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.

8.11 Definition Of Child Abduction

A person commits the offense of child abduction when:

[1] he intentionally violates any terms of a court order granting sole or joint custody, care, or possession of a child to another, by concealing or detaining the child or removing the child from the jurisdiction of the court.

[or]

[2] he intentionally violates a court order prohibiting him from concealing or detaining a child or removing a child from the jurisdiction of the court.

[or]

[3] he intentionally conceals, detains, or removes the child without the consent of the child's mother or lawful custodian if the person is a putative father and [(paternity of the child has not been legally established) (paternity of the child has been legally established but no custody order has been entered)].

[or]

[3a] she is a mother who has [(abandoned a child) (relinquished custody of a child)] and intentionally [(conceals) (removes)] the child from an unadjudicated father who has provided sole ongoing care and custody of the child in the mother's absence.

[or]

[4] he intentionally [(conceals) (removes)] a child from a parent, after [(filing a petition) (being served with process)] in an action affecting [(marriage) (paternity)], but before issuance of a [(temporary) (final)] order determining custody.

[or]

[5] he intentionally [(fails to return) (refuses to return) (impedes the return of)] the child to the child's lawful custodian in Illinois at the expiration of visitation rights outside the State.

[or]

[6] he, being a parent of a child and [(being) (having been)] married to the child's other parent, knowingly conceals the child for 15 days when there has been no court order of custody, and fails to make reasonable attempts within the 15 day period to notify the other parent as to the specific whereabouts of the child, including a means by which to [(contact such child) (arrange reasonable visitation) (arrange reasonable contact)] with the child.

[or]

[7] he, being a parent of the child, [(being) (having been)] married to the child's other

parent and there has been no court order for custody, knowingly [(conceals) (detains) (removes)] the child with [(physical force) (threat of physical force)].

[or]

[8] he knowingly [(conceals) (detains) (removes)] a child for [(payment) (promise of payment)] at the instruction of a person who has no legal right to custody of the child.

[or]

[9] he knowingly retains in this State for 30 days a child removed from another state [(without the consent of the lawful custodian) (in violation of a court order of custody)].

[or]

[10] he intentionally [(lures) (attempts to lure)] a child [(under the age of 17) (while traveling to or from a primary or secondary school)] into a [(motor vehicle) (building) (house trailer) (dwelling place)] without the consent of the child's [(parent) (lawful custodian)] for other than a lawful purpose.

[or]

[11] he knowingly [(destroys) (alters) (conceals) (disguises)] physical evidence (furnishes false information)] with the intent to [(obstruct) (prevent)] efforts to locate the abducted child.

Committee Note

720 ILCS 5/10-5 (West 2020).

Give Instruction 8.16.

When applicable, give Instruction 8.12, defining “putative father,” Instruction 8.13, defining the word “child,” and Instruction 8.14, defining the word “detains”.

When the defendant is charged with child abduction under Section 10-5(b)(10), give IPI 8.11A.

Several subsections of Section 10-5 refer to the existence of a valid court order. The Committee believes that the court, and not the jury, should determine whether a court order is valid, so that the word “valid” has been omitted from instructions on this offense.

Use applicable paragraphs and bracketed material.

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

8.11A

Inference Of Unlawful Purpose In Child Abduction

If you find that the defendant lured or attempted to lure a child under 17 years of age into a [(motor vehicle) (building) (house trailer) (dwelling place)] and that he did so [(without the express consent of the child's parent or lawful custodian of the child) (with the intent to avoid the express consent of the child's parent or lawful custodian)], you may infer it was for other than a lawful purpose.

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 5/10-5(b)(10) (West 2020), previously amended by P.A. 97-160, effective January 1, 2012, removed the mandatory presumption; this section, previously amended by P.A. 97-998, effective January 1, 2013, raised the age of the child from 16 to 17.

In *People v. Woodrum*, 223 Ill.2d 286 (2006), 860 N.E.2d 259 (2006) the Illinois Supreme Court held Section 10-5(b)'s requirement that the luring into a building of a child without parental consent was prima facie evidence that defendant's intent was for "other than a lawful purpose" and resulted in an unconstitutional mandatory rebuttable presumption. In 2011, Section 10-5(b) was amended by stating that the presumption was permissive and not mandatory.

This instruction should be used *only* when the defendant is charged with child abduction under Section 10-5(b)(10).

8.11B
Definition Of Luring

The term “luring” means any knowing act to solicit, entice, tempt, or attempt to attract the minor.

Committee Note

720 ILCS 5/10-5(a)(2.2) (West 2020).

For a discussion of the sufficiency of the evidence as to “luring”, see *People v. Trotter*, 2013 IL App (2d) 120363, 2 N.E.3d 543 (2nd Dist. 2013).

8.12

Definition Of Putative Father--Child Abduction

The term “putative father” means a man who has a reasonable belief that he is the father of a child born of a woman who is not his wife.

Committee Note

720 ILCS 5/10-5(a)(4) (West 2020).

8.13

Definition Of Child--Child Abduction

The word “child” means a person who, at the time the alleged violation occurs, [(is under the age of 18) (has a severe or profound intellectual disability)].

Committee Note

720 ILCS 5/10-5(a)(1) (West 2020).

When applicable, give Instruction 11.65G, defining “severe or profound intellectual disability”.

Use applicable bracketed material.

8.14

Definition Of Detains--Child Abduction

The word “detains” means taking or retaining physical custody of a child, whether or not the child resists or objects.

Committee Note

720 ILCS 5/10-5(a)(2) (West 2020).

8.15

Definition Of Lawful Custodian--Child Abduction

Committee Note

The Committee believes that application of the definition of the term “lawful custodian” involves questions of law to be determined by the court rather than the jury. When a case involves a subsection of the child abduction statute that uses the term “lawful custodian,” the court should determine who is the lawful custodian of the child under 720 ILCS 5/10-5(a)(3), and should insert in the appropriate blank the name of that person or persons in Instruction 8.16.

720 ILCS 5/10-5(a)(3) provides that the term “lawful custodian” means a person or persons granted legal custody or entitled to physical possession of a child pursuant to a court order. This statute further provides that if the parents of a child have never been married to each other, it is presumed that a mother has legal custody of the child unless a valid court order states otherwise, and that if an adjudication of paternity has been completed and the father has been assigned support obligations or visitation rights, such a paternity order should be considered a valid court order granting custody to the mother.

8.16 Issues In Child Abduction

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

[1] *First Proposition:* That, at the time of the alleged violation, [(child)] was [(under the age of 18 years) (a person with a severe or profound intellectual disability)]; and

Second Proposition: That the defendant [(concealed [(child)]) (detained [(child)) (removed [(child)] from the jurisdiction of the court)]; and

Third Proposition: That when the defendant did so, there was a court order granting [(sole) (joint)] [(custody) (care) (possession)] of [(child)] to another; and

Fourth Proposition: That when he did so, the defendant intended to violate any terms of that court order.

[or]

[2] *First Proposition:* That, at the time of the alleged violation, [(child)] was [(under the age of 18 years) (a person with a severe or profound intellectual disability)]; and

Second Proposition: That the defendant [(concealed [(child)]) (detained [(child)) (removed [(child)] from the jurisdiction of the court)]; and

Third Proposition: That when the defendant did so, there was a court order that prohibited him from [(concealing [(child)]) (detaining [(child)) (removing [(child)] from the jurisdiction of the court)]; and

Fourth Proposition: That when he did so, the defendant intended to violate that order.

[or]

[3] *First Proposition:* That, at the time of the alleged violation, [(child)] was [(under the age of 18 years) (a person with a severe or profound intellectual disability)]; and

Second Proposition: That the defendant was [(child)]'s putative father; and,

Third Proposition: That the defendant's paternity of [(child)] [(had not been legally established) (had been legally established in a court proceeding where no custody order had been entered)]; and

Fourth Proposition: That the defendant intentionally [(concealed) (detained) (removed)] [(child)] without the consent of [(mother) (lawful custodian)].

[or]

[3a] *First Proposition:* That, at the time of the alleged violation, [(child)] was [(under the age of 18 years) (a person with a severe or profound intellectual disability)]; and

Second Proposition: That the defendant was [(child)]'s mother; and

Third Proposition: That the defendant intentionally [(concealed) (removed)] [(child)] from [(unadjudicated father)] who provided sole ongoing care and custody of [(child)] in [(mother)]'s absence; and

Fourth Proposition: That defendant had previously [(abandoned) (relinquished custody of)] [(child)].-

[or]

[4] *First Proposition:* That, at the time of the alleged violation, [(child)] was [(under the age of 18 years) (a person with a severe or profound intellectual disability)]; and

Second Proposition: That the defendant intentionally [(concealed) (removed)] [(child)] from [(parent)]; and

Third Proposition: That at the time the defendant did so, defendant had [(filed a petition) (been served with process)] in an action affecting [(marriage) (paternity)]; and

Fourth Proposition: That at the time the defendant did so, no temporary or final order determining custody had issued.

[or]

[5] *First Proposition:* That, at the time of the alleged violation, [(child)] was [(under the age of 18 years) (a person with a severe or profound intellectual disability)]; and

Second Proposition: That the defendant intentionally [(failed to return) (refused to return) (impeded the return of)] [(child)] to [(lawful custodian)] in Illinois; and

Third Proposition: That at the time the defendant did so, visitation rights outside the State of Illinois had expired.

[or]

[6] *First Proposition:* That, at the time of the alleged violation, [(child)] was [(under the age of 18 years) (a person with a severe or profound intellectual disability)]; and

Second Proposition: That the defendant is [(child)]'s parent; and

Third Proposition: That the defendant [(is) (was)] married to [(child)]'s other parent; and

Fourth Proposition: That the defendant knowingly concealed [(child)] for 15 days; and

Fifth Proposition: That at the time the defendant did so, there was no court order of custody; and

Sixth Proposition: That the defendant failed to make reasonable attempts within the 15 day period to notify [(child)]'s other parent as to [(child)]'s specific whereabouts, including [(notifying the other parent of a means by which to contact [(child)) (arranging reasonable visitation with [(child)) (arranging contact with [(child))]].

[or]

[7] *First Proposition:* That, at the time of the violation, [(child)] was [(under the age of 18 years) (a person with a severe or profound intellectual disability)]; and

Second Proposition: That the defendant is [(child)]'s parent; and

Third Proposition: That the defendant [(is) (was)] married to [(child)]'s other parent; and

Fourth Proposition: That the defendant knowingly [(concealed) (detained) (removed)] [(child)]; and

Fifth Proposition: That when the defendant did so, he [(used physical force) (threatened physical force)]; and

Sixth Proposition: That when the defendant did so, there was no court order of custody.

[or]

[8] *First Proposition:* That, at the time of the violation, [(child)] was [(under the age of 18 years) (a person with a severe or profound intellectual disability)]; and

Second Proposition: That the defendant knowingly [(concealed) (detained) (removed)] [(child)]; and

Third Proposition: That the defendant did so for [(payment) (promise of payment)]; and

Fourth Proposition: That the defendant did so at the instruction of a person who had no legal right to custody of [(child)].

[or]

[9] *First Proposition:* That, at the time of the violation, [(child)] was [(under the age of 18 years) (a person with a severe or profound intellectual disability)]; and

Second Proposition: That [(child)] had been removed from another State; and

Third Proposition: That the defendant knowingly retained [(child)] in the State of Illinois for 30 days; and

Fourth Proposition: That the defendant did so [(without the consent of the [(lawful

custodian)]] (in violation of a court order of custody)].

[or]

[10] *First Proposition:* That [(child)] [(was under the age of 17 years) (was traveling to or from a primary or secondary school)]; and

Second Proposition: That the defendant intentionally [(lured) (attempted to lure)] [(child)] into a [(motor vehicle) (building) (house trailer) (dwelling place)]; and

Third Proposition: That the defendant did so without the consent of [(parent) (lawful custodian)]; and

Fourth Proposition: That the defendant did so for other than a lawful purpose.

[or]

[11] *First Proposition:* That, at the time of the violation, [(child)] was [(under the age of 18 years) (a person with a severe or profound intellectual disability)]; and

Second Proposition: That the defendant knowingly [[(destroyed) (altered) (concealed) (disguised)] physical evidence) (furnished false information)]; and

Third Proposition: That the defendant did so with intent to [(obstruct) (prevent)] efforts to locate the child victim of a child abduction.

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 5/10-5 (West 2020).

Give Instruction 8.11. See Committee Note regarding definitions.

The bracket numbers correspond to the numbered subsections in 720 ILCS 5/10-5(b).

The offenses contained in Section 10-5(b)(3) have been split into brackets 3 and 3A.

If the defendant is charged with a violation of 720 ILCS 5/10-5(b)(10), give Instruction 8.11A. See Committee Note to Instruction 8.11A.

See Committee Note to Instruction 8.15.

Replace the word “(child)” with the name of the child or person with a severe or profound intellectual disability. Replace the words “(unadjudicated father)”, “(parent)”, or “(lawful custodian)” with the name of the child’s unadjudicated father, parent, or lawful custodian.

If an affirmative defense is warranted, give Instruction 8.17.

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.

8.17
Affirmative Defenses To Child Abduction

It is a defense to the charge of child abduction that

[1] at the time of the alleged violation, the defendant had custody of _____ pursuant to a court order granting legal custody or visitation rights.

[or]

[2] prior to the time of the alleged violation, the defendant had physical custody of _____ pursuant to a court order granting legal custody or visitation rights; that the defendant failed to return _____ as a result of circumstances beyond his control; and that the defendant [(notified and disclosed to the other parent or legal custodian the specific whereabouts of _____ and a means by which _____ could be contacted) (within 24 hours after the visitation period had expired, made a reasonable attempt to notify the other parent or lawful custodian of such circumstances and returned _____ as soon as possible)].

[or]

[3] the defendant was fleeing an incidence or pattern of domestic violence.

[or]

[4] the defendant [(lured) (attempted to lure)], _____ who was under the age of 17, into a [(motor vehicle) (building) (housetrailer) (dwelling place)] for a lawful purpose.

Committee Note

720 ILCS 5/10-5(c) (West 2020).

Give Instruction 8.16.

Insert in the blanks the name of the child or person with a severe or profound intellectual disability.

When this instruction is given, add a proposition to Instruction 8.16.

See also 720 ILCS 5/3-2, and the Introduction to IPI Criminal Chapters 24-25.00.

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.

8.18

Definition Of Aiding And Abetting Child Abduction

A person commits the offense of aiding and abetting child abduction when, before or during the commission of a child abduction and with the intent to promote or facilitate the child abduction, he intentionally aids or abets another in the planning or commission of that offense, unless before the offense is committed, he makes proper effort to prevent its commission.

Committee Note

720 ILCS 5/10-7 (West 2020), as amended by P.A. 96-710, eff. January 1, 2010.

Give Instructions 8.11 and 8.19.

8.19

Issues In Aiding And Abetting Child Abduction

To sustain the charge of aiding and abetting child abduction, the State must prove the following propositions:

First Proposition: That a child abduction was committed; and

Second Proposition: That before or during the commission of the child abduction, the defendant [(aided) (abetted)] another in the [(planning) (commission)] of that offense; and

Third Proposition: That when the defendant did so, he intended to (promote) (facilitate)] commission of the offense of child abduction.

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 5/10-7 (West 2020).

Give Instructions 8.18 and 8.11.

If an affirmative defense is applicable, see the Committee Note to Instruction 8.19A as to adding a fourth proposition to this instruction.

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.

8.19A
Aiding or Abetting Child Abduction--Affirmative Defense

It is an affirmative defense to the charge of aiding and abetting child abduction if, before the child abduction, the person makes a proper effort to prevent the commission of the child abduction.

Committee Note

720 ILCS 5/10-7 (West 2020).

Give Instructions 8.18, 8.19, and 8.19B.

8.19B
Issue in Defense of Aiding or Abetting Child Abduction

Fourth Proposition: That the defendant did not make a proper effort to prevent the child abduction before it was committed.

Committee Note

720 ILCS 5/10-7 (West 2020).

Give Instructions 8.18, 8.19, and 8.19A.

Give this issue as the final proposition in Instruction 8.19.

8.20

Definition Of Harboring A Runaway

A person commits the offense of harboring a runaway when he knowingly gives shelter to a minor for more than 48 hours without the knowledge and consent of the minor's parent or guardian, and without notifying local law enforcement authorities of the minor's name and the fact that the minor is being provided shelter.

Committee Note

720 ILCS 5/10-6 (West 2020).

Give Instruction 8.21.

By its terms, 720 ILCS 5/10-6 does not apply to agencies or associations providing crisis intervention services as defined in 705 ILCS 405/3-5 (Juvenile Court Act of 1987), or to operators of youth emergency shelters as defined in 225 ILCS 10/2.21 (Child Care Act of 1969). In addition, Section 10-6 does not apply to minors who have been emancipated under 750 ILCS 30/1 et seq. (Emancipation of Mature Minor's Act). Whenever the evidence in the case raises issues as to those exclusions, this instruction must be modified to indicate the exclusion, a definition of the excluded class of persons should be given, and an additional proposition requiring the jury to find that the defendant did not belong to the excluded class or that the minor was not emancipated at the time the shelter was given must be added to Instruction 8.21.

8.21 Issues In Harboring A Runaway

To sustain the charge of harboring a runaway, the State must prove the following propositions:

First Proposition: That the defendant knowingly gave shelter to _____ for more than 48 hours; and

Second Proposition: That when the defendant did so, _____ was a minor; and

Third Proposition: That the defendant did so without the knowledge of _____'s [(parent) (guardian)]; and

Fourth Proposition: That the defendant did so without the consent of _____'s [(parent) (guardian)]; and

Fifth Proposition: That the defendant did so without notifying local law enforcement authorities of _____'s name; and

Sixth Proposition: That the defendant did so without notifying local law enforcement authorities that he was providing shelter 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

720 ILCS 5/10-6 (West 2020).

Give Instruction 8.20.

Insert in the blank the name of the child to whom the defendant allegedly gave shelter.

Whenever the evidence in the case presents an issue as to whether the defendant falls within a category of persons excluded from criminal liability under 720 ILCS 5/10-6, or whether the minor was emancipated at the time of the offense, an additional proposition must be added to this instruction. See Committee Note to Instruction 8.20.

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.

8.22

Definition Of Unlawful Visitation Or Parenting Time Interference

A person commits the offense of unlawful visitation or parenting time interference when he, in violation of the [(visitation) (parenting time) (custody time)] provisions of a court order relating to child custody, [(detains) (conceals)] a child with the intent to deprive another person of his rights to [(visitation) (parenting time) (custody time)].

Committee Note

720 ILCS 5/10-5.5 (West 2020).

Give Instruction 8.23.

When applicable, give Instruction 8.13, defining “child”.

When applicable, give Instruction 8.14, defining “detains”.

720 ILCS 5/10-5(a)(3) provides that the term “lawful custodian” means a person granted legal custody or entitled to physical possession of a child pursuant to a court order. This statute further provides that if the parents of a child have never been married to each other, it is presumed that a mother has legal custody of the child unless a valid court order provides otherwise, and that if an adjudication of paternity has been completed and the father has been assigned support obligations or visitation rights, such a paternity order should be considered a valid court order granting custody to the mother.

The Committee believes that application of the above definition involves questions of law to be determined by the court rather than the jury. When a case involves the interference of the visitation, parenting time or custody time of a lawful custodian, the court should determine who the lawful custodian of the child is under 720 ICLS 5/10-5(3), and the name of that person should be inserted in the appropriate blank in Instruction 8.23.

The Illinois Supreme Court upheld the constitutionality of this statute in *People v. Warren*, 173 Ill. 2d 348, 671 N.E.2d 700 (1996). Only non-custodial parents can be aggrieved by visitation interference. *Id.*, 173 Ill. 2d at 365, 671 N.E.2d at 709. Persons with joint custody cannot commit the offense of visitation interference. *Id.*, 173 Ill. 2d at 364, 671 N.E.2d at 709.

Use applicable bracketed material.

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

8.23

Issues In Unlawful Visitation Or Parenting Time Interference

To sustain the charge of unlawful visitation or parenting time interference, the State must prove the following propositions:

First Proposition: That there was a court order relating to [(child custody) (visitation) (parenting time) (custody time)] pertaining to [(child)]; and

Second Proposition: That the defendant [(detained) (concealed)] [(child)] with the intent to deprive _____ of his right to [(visitation) (parenting time) (custody time)].

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 5/10-5.5 (West 2020).

Give instruction 8.22.

Give Instruction 8.13, defining “child”.

When applicable, give Instruction 8.14, defining “detains”.

Replace the word “child” with the name of the child or the person with a severe or profound intellectual disability.

In the second proposition, insert in the blank the name of the person whose rights were allegedly interfered with by the defendant.

720 ILCS 5/10-5(a)(3) provides that the term “lawful custodian” means a person granted legal custody or entitled to physical possession of a child pursuant to a court order. This statute further provides that if the parents of a child have never been married to each other, it is presumed that a mother has legal custody of the child unless a valid court order states otherwise, and that if an adjudication of paternity has been completed and the father has been assigned support obligations or visitation rights, such a paternity order should be considered a valid court order granting custody to the mother.

The Committee believes that application of the above definition involves questions of law to be determined by the court rather than the jury. When a case involves the interference of the visitation, parenting time or custody time of a lawful custodian, the court should determine who the lawful custodian of the child is under 720 ICLS 5/10-5(3), and the name of that person should be inserted in the appropriate blank in the Second Proposition.

The Illinois Supreme Court upheld the constitutionality of this statute in *People v. Warren*, 173 Ill.2d 348, 671 N.E.2d 700 (1996). Only non-custodial parents can be aggrieved by visitation interference. *Id.*, 173 Ill.2d at 365, 671 N.E.2d at 709. Persons with joint custody cannot commit the offense of visitation interference. *Id.*, 173 Ill.2d at 364, 671 N.E.2d at 709.

Use applicable bracketed material.

The brackets are present solely for the guidance of court and counsel and should not be included in the instructions 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 the Second Proposition.

If an affirmative defense is raised, give Instructions 8.24 and 8.24A.

8.24
Affirmative Defenses To The Charge Of Unlawful Visitation Or
Parenting Time Interference

It is an affirmative defense to the charge of unlawful visitation or parenting time interference that the defendant committed

[1] the act to protect _____ from imminent physical harm, provided that the defendant's belief that there was physical harm imminent was reasonable and that the defendant's conduct in withholding [(visitation rights) (parenting time) (custody time)] was a reasonable response to the harm believed to be imminent.

[or]

[2] the act was committed with the mutual consent of all parties having a right to custody and [(visitation of) (parenting time with)] _____.

[or]

[3] the act that was otherwise authorized by law.

Committee Note

720 ILCS 5/10-5.5(g) (West 2020).

Give Instructions 8.22 and 8.23.

Give this instruction and Instruction 8.24A when any of the affirmative defenses in 720 ILCS 5/10-5.5(g) are raised by the evidence.

Insert in the blanks the name of the child or the person with a severe or profound intellectual disability.

Use applicable bracketed material.

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

8.24A

Issues In Unlawful Visitation Or Parenting Time Interference

Third Proposition: That the defendant did not reasonably believe there was imminent physical harm against [(child)] and that the defendant's conduct in withholding [(visitation rights) (parenting time) (custody time)] was not reasonable.

[or]

Third Proposition: That the defendant did not act with the mutual consent of all parties having a right to custody and [(visitation of) (parenting time with)] [(child)].

[or]

Third Proposition: That the defendant's actions were not otherwise authorized by law.

Committee Note

720 ILCS 5/10-5.5(g) (West 2020).

8.25

Definition Of Luring A Minor

A person commits the offense of luring a minor when the defendant is [(21 years of age or older) (at least 18 years of age but under 21 years of age)] and knowingly [(contacts) (communicates electronically to)] the minor knowing the minor is under 15 years of age, after so communicating, commits any act in furtherance with the intent to [(persuade) (lure) (transport)] the minor away from his home or other location known by the minor's parent or legal guardian to be the place where the minor is to be located for an unlawful purpose without the express consent of the minor's [(parent) (legal guardian)], with the intent to avoid the express consent of the minor's [(parent) (legal guardian)] and is a stranger to the [(parents) (legal guardian)].

Committee Note

720 ILCS 5/10-5.1 (West 2020).

Give Instruction 8.26.

8.26

Issues in Luring A Minor

To sustain the charge of luring a minor, the State must prove the following propositions:

First Proposition: That the defendant was [(21 years of age or older) (at least 18 years of age but under 21 years of age)]; and

Second Proposition: That the defendant knowingly [(contacted) (communicated electronically to)] [(minor)]; and

Third Proposition: That the defendant knew that [(minor)] was a minor under 15 years of age; and

Fourth Proposition: That the defendant intended, for an unlawful purpose [(and not for assisting [(minor)] in an emergency situation)], to [(persuade) (lure) (transport)] [(minor)] away from [(his home) (the location known by [(minor's parent) (minor's legal guardian)]] to be the place where [(minor)] is located)]; and

Fifth Proposition: That the defendant did so without the express consent of [(minor's parent) (minor's legal guardian)] as to intentionally avoid such express consent; and

Sixth Proposition: That after communicating with [(minor)], the defendant committed any act in furtherance of this intent; and

Seventh Proposition: That the defendant is a stranger to [(minor's parents) (minor's legal guardian)].

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 5/10-5.1 (West 2020).

Give Instruction 8.25.

Replace the word “minor” with the name of the minor. Replace the words “minor's parent”, “minor's parents”, or “minor's legal guardian” with the name of the minor's parent, parents, or legal guardian.

Include applicable bracketed material in the Fourth Proposition (“and not for assisting [minor] in an emergency situation”) only when the evidence raises this defense. See Instruction 8.26A.

8.26A
Defenses To Luring A Minor

It is a defense to the charge of luring a minor that:

[1] the defendant reasonably believed that the minor was over the age of 15.

[or]

[2] the defendant was assisting the minor in an emergency situation.

Committee Notes

725 ILCS 5/10-5.1(f)(1) & 725 ILCS 5/10-5.1(f)(2) (West 2020)

Give this instruction when either defense is raised.

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

Under 725 ILCS 5/10-5.1(f)(2), it is an affirmative defense to a charge of luring a minor that the defendant was assisting the minor in an emergency situation. The State must prove beyond a reasonable doubt that the defendant acted with an unlawful purpose. If some evidence is presented that the defendant was assisting the minor in an emergency situation, give the bracketed material in the Fourth Proposition regarding an emergency situation.

8.27

Definition Of Involuntary Servitude

A person commits the offense of involuntary servitude when he knowingly [(subjects) (attempts to subject) (engages in a conspiracy to subject)] another person to [(labor) (services)] [(obtained) (maintained)] by one or more of the following means:

[1] [(causes) (threatens to cause)] physical harm to any person(.) (; or)]

[2] [(physically restrains) (threatens to physically restrain) another person [(.) (; or)]

[3] [(abuses) (threatens to abuse)] the [(law) (legal process)][(.) (; or)]

[4] knowingly [(destroys) (conceals) (removes) (confiscates) (possesses)] [(any actual or purported passport or other immigration document) (any other actual or purported government identification document)] of another person[(.) (; or)]

[5] [(intimidates) (exerts financial control over)] any person [(.) (; or)]

[6] uses any [(scheme) (plan) (pattern)] intending to cause the other person to believe that if the other person did not perform the [(labor) (services)], the other person or another person would suffer [(serious harm) (physical restraint)].

Committee Note

720 ILCS 5/10-9(b) (West 2020).

Give Instruction 8.28.

Use applicable bracketed material.

720 ILCS 5/10-9(b) indicates that a violation of this subsection may occur by commission of any one or more of the bracketed materials.

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

8.28 Issues In Involuntary Servitude

To sustain the charge of involuntary servitude, the State must prove the following proposition(s):

First Proposition: That the defendant knowingly [(subjected) (attempted to subject) (engaged in a conspiracy to subject)] another person to [(labor) (services)]; and

Second Proposition: That the defendant [(obtained) (maintained)] [(labor) (services)] by:

[1] [(causing) (threatening to cause)] physical harm to any person[(.) (;or)]

[2] [(physically restraining) (threatening to physically restrain)] another person[(.) (;or)]

[3] [(abusing) (threatening to abuse)] [(the law) (legal process)][(.) (;or)]

[4] knowingly [(destroying) (concealing) (removing) (confiscating) (possessing)] [(any actual or purported passport or other immigration document) (any other actual or purported government identification document)] of another person[(.) (;or)]

[5] [(intimidating) (exerting financial control over)] any person[(.) (;or)]

[6] using any [(scheme) (plan) (pattern)] intending to cause the other person to believe that if the other person did not perform the [(labor) (services)] [(the other person) (another person)] would suffer [(serious harm) (physical restraint)].

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 5/10-9(b) (West 2020).

Give Instruction 8.27.

720 ILCS 5/10-9(b) indicates that a violation of this subsection may occur by commission of any one or more of the bracketed materials. If a jury is asked to consider multiple theories of criminal liability under 720 ILCS 5/10-9(b), separate additional propositions should be given to the jury for each theory. For example, if violations of Section 10-9(b)(1) and (3) are presented to the jury, the following should be given:

Second Proposition: That the defendant [(obtained) (maintained)] [(labor) (services)] by

[1] [(causing) (threatening to cause)] physical harm to any person; or

Third Proposition: That the defendant [(obtained) (maintained)] [(labor) (services)] by

[3] [(abusing) (threatening to abuse)] [(the law) (legal process)].

Use applicable bracketed material.

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

A defendant may be sentenced to an extended term sentence under 730 ILCS 5/5-8-2 if the victim suffers bodily injury. The Committee believes this raises issues of *Apprendi v. New Jersey*, 530 U.S. 466 (2000), for which the jury would need to be instructed and an extended term sentence could be imposed. See IPI Criminal Instructions 28.00 et seq.

8.29
Definition Of Involuntary Sexual Servitude Of A Minor

A person commits the offense of involuntary sexual servitude of a minor when he knowingly

[(recruits) (entices) (harbors) (transports) (provides) (obtains by any means)] [or] [attempts to (recruit) (entice) (harbor) (provide) (obtain by any means)] a person under 18 years of age, knowing that the minor will engage in [(commercial sexual activity) (a sexually-explicit performance) (the production of pornography)];

[or]

[(causes) (attempts to cause)] a minor to engage in [(commercial sexual activity) (a sexually-explicit performance) (the production of pornography)];

and

there is no overt [(force) (threat)] and the minor is between 17 and 18 years of age.

[or]

there is no overt [(force) (threat)] and the minor is under 17 years of age.

[or]

there is overt [(force) (threat)].

Committee Note

720 ILCS 5/10-9(c) (West 2020).

Give Instruction 8.30.

Use applicable bracketed material.

8.30

Issues in Involuntary Sexual Servitude Of A Minor

To sustain the charge of involuntary sexual servitude of a minor, the State must prove the following propositions:

First Proposition: That the defendant [(recruited) (enticed) (harbored) (transported) (provided) (obtained by any means)] [or] [attempted to (recruit) (entice) (harbor) (provide) (obtain by any means)] a person under 18 years of age, knowing that the minor will engage in [(commercial sexual activity) (a sexually-explicit performance) (the production of pornography)]; and

[or]

First Proposition: That the defendant [(caused) (attempted to cause)] _____ to engage in [(commercial sexual activity) (a sexually-explicit performance) (the production of pornography)]; and

Second Proposition: That there was no overt [(force) (threat)] and _____ was between the ages of 17 and 18 years.

[or]

Second Proposition: That there was no overt [(force) (threat)] and _____ was under the age of 17.

[or]

Second Proposition: That there was overt [(force) (threat)].

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 5/10-9(c) (West 2020).

Give Instruction 8.29.

Use applicable bracketed material.

Insert in the blanks the name of the minor.

A defendant may be sentenced to an extended term sentence under 730 ILCS 5/5-8-2 if the victim suffers bodily injury. The Committee believes this raises issues of *Apprendi v. New Jersey*, 530 U.S. 466 (2000), for which the jury would need to be instructed and an extended term sentence could be imposed. See IPI Criminal Instructions 28.00 et seq.

8.31
Definition Of Trafficking In Persons (Individual)

A person commits the offense of trafficking in persons when he knowingly

[1] [(recruits) (entices) (harbors) (transports) (provides) (obtains by any means)] [or] [attempts to (recruit) (entice) (harbor) (transport) (provide) (obtain by any means)] another person, [(intending) (knowing)] that the other person will be subjected to involuntary servitude.

[or]

[2] benefits [(financially) (by receiving anything of value)] from participation in a venture that has engaged in [(an act of involuntary servitude) (involuntary sexual servitude of a minor)].

Committee Note

720 ILCS 5/10-9(d) (West 2020).

See 720 ILCS 5/10-9(b).

Give Instruction 8.32.

Use applicable bracketed material.

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

8.31A
Definition Of Trafficking In Persons (Company)

A company commits the offense of trafficking in persons when it knowingly benefits [(financially) (by receiving anything of value)] from participation in a venture that has engaged in [(an act of involuntary servitude) (involuntary sexual servitude of a minor)].

Committee Note

720 ILCS 5/10-9(d) (West 2020).

See 720 ILCS 5/10-9(b).

Give Instruction 8.32A.

Use applicable bracketed material.

8.31B
Definition Of Company

The word “company” means any sole proprietorship, organization, association, corporation, partnership, joint venture, limited partnership, limited liability partnership, limited liability limited partnership, limited liability company, or other entity or business association, including all wholly owned subsidiaries, majority-owned subsidiaries, parent companies, or affiliates of those entities or business associations, that exist for the purpose of making profit.

Committee Note

720 ILCS 5/10-9(a)(2.5) (West 2020).

Give this instruction when Instruction 8.31A is used.

8.32

Issues In Trafficking In Persons (Individual)

To sustain the charge of trafficking in persons, the State must prove the following proposition:

[1] That the defendant knowingly [(recruited) (enticed) (harbored) (transported) (provided) (obtained by any means)] [or] [attempted to (recruit) (entice) (harbor) (transport) (provide) (obtain by any means)] another person, [(intending) (knowing)] that the other person would be subjected to involuntary servitude.

[or]

[2] That the defendant knowingly benefitted [(financially) (by receiving anything of value)] from participation in a venture that has engaged in [(an act of involuntary servitude) (involuntary sexual servitude of a minor)].

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

Committee Note

720 ILCS 5/10-9(d) (West 2020).

Give Instruction 8.31.

Use applicable bracketed material.

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

A defendant may be sentenced to an extended term sentence under 730 ILCS 5/5-8-2 if the victim suffers bodily injury. The Committee believes this raises issues of *Apprendi v. New Jersey*, 530 U.S. 466 (2000), for which the jury would need to be instructed and an extended term sentence could be imposed. See IPI Criminal Instructions 28.00 *et seq.*

8.32A
Issues In Trafficking In Persons (Company)

To sustain the charge of trafficking in persons, the State must prove the following proposition:

That the defendant knowingly benefitted [(financially) (by receiving anything of value)] from participation in a venture that has engaged in [(an act of involuntary servitude) (involuntary sexual servitude of a minor)].

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

Committee Note

720 ILCS 5/10-9(d) (West 2020).

Give Instruction 8.31A.

Use applicable bracketed material.

A defendant may be sentenced to an extended term sentence under 730 ILCS 5/5-8-2 if the victim suffers bodily injury. The Committee believes this raises issues of *Apprendi v. New Jersey*, 530 U.S. 466 (2000), for which the jury would need to be instructed and an extended term sentence could be imposed. See IPI Criminal Instructions 28.00 *et seq.*

8.33

Definition Of Failure To Report The Death Or Disappearance Of A Child Under 13 Years of Age

[1] A [(parent) (legal guardian) (caretaker)] of a child under 13 years of age commits failure to report the [(death) (disappearance)] of a child under 13 years of age when he [(knows) (should know)] the child is [(missing) (deceased)] and fails to report this information to a law enforcement agency within 24 hours.

[or]

[2] A [(parent) (legal guardian) (caretaker)] of a child under 2 years of age commits failure to report the [(death) (disappearance)] of a child under 13 years of age when he [(knows) (should know)] the child is [(missing) (deceased)] and fails to report this information to a law enforcement agency within 1 hour.

[or]

[3] A [(parent) (legal guardian) (caretaker)] of a child under 13 years of age commits failure to report the death of a child under 13 years of age when he reasonably believes the child's death was caused by [(homicide) (accident) (suspicious circumstances)] and fails to report this information to the law enforcement agency for the county where the child's corpse was found.

Committee Note

720 ILCS 5/10-10 (West 2020).

Give Instruction 8.34.

Use applicable bracketed material.

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

8.34
Issues In Failure To Report The Death Or Disappearance Of A Child
Under 13 Years Of Age

To sustain the charge of failure to report the death or disappearance of a child under 13 years of age, the State must prove the following propositions:

First Proposition: That the defendant was the [(parent) (legal guardian) (caretaker)] of _____ who was a child under 13 years of age; and

Second Proposition: That the defendant [(knew) (should have known)] _____ was [(missing) (deceased)] and failed to report the [(death) (disappearance)] to a law enforcement agency within 24 hours.

[or]

First Proposition: That the defendant was the [(parent) (legal guardian) (caretaker)] of _____ who was a child under 2 years of age; and

Second Proposition: That the defendant [(knew) (should have known)] _____ was [(missing) (deceased)] and failed to report the [(death) (disappearance)] to a law enforcement agency within 1 hour.

[or]

First Proposition: That the defendant was the [(parent) (legal guardian) (caretaker)] of _____ who was a child under 13 years of age; and

Second Proposition: That the defendant reasonably believed _____'s death was caused by [(homicide) (accident) (suspicious circumstances)] and failed to report this information to the law enforcement agency for the county where _____'s corpse was found.

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 5/10-10 (West 2020).

Give Instruction 8.33.

Use applicable propositions and bracketed material.

Insert in the blanks the name of the child or the person with a severe or profound intellectual disability.

8.34A
Defenses To Failure To Report The Death Or
Disappearance Of A Child Under 13 Years Of Age

A [(parent) (legal guardian) (caretaker)] does not commit the offense of failure to report the death or disappearance of a child under 13 years of age when:

[1] the failure to report is due to an [(act of God) (act of war) (inability of a law enforcement agency to receive a report of the disappearance of a child)].

[or]

[2] he calls 911 to report the disappearance of the child.

[or]

[3] he knows that the child is under the care of another [(parent) (family member) (relative) (friend) (babysitter)].

[or]

[4] he is [(hospitalized) (in a coma) (otherwise seriously physically or mentally impaired)] as to prevent the him from reporting the [(death) (disappearance)].

Committee Note

720 ILCS 5/10-10(d) (West 2020).

Give Instruction 8.33 and 8.34.

Use applicable bracketed material.

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