

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.