

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.