

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.