

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”).