

24-25.04 Definition Of Entrapment

It is a defense to the charge made against the defendant that he was entrapped, that is, that for the purpose of obtaining evidence against the defendant, he was incited or induced by [(a public officer) (a public employee) (an agent of a public officer) (an agent of a public employee)] to commit an offense.

However, the defendant was not entrapped if he was predisposed to commit the offense and [(a public officer) (a public employee) (an agent of a public officer) (an agent of a public employee)] merely afforded to the defendant the opportunity or facility for committing an offense.

Committee Note

720 ILCS 5/7-12 (West 1994) (formerly Ill.Rev.Stat. ch. 38, §7-12 (1991)), amended by P.A. 89-332, effective August 17, 1995, which added that a defendant was not entrapped if “he was predisposed to commit the offense.”

Give Instruction 24-25.04A.

Give this instruction when the issue is properly one for the jury. See Introduction to this Chapter.

The defense of entrapment is not available to a defendant who denies having committed or participated in the unlawful transaction. *People v. Landwer*, 166 Ill.2d 475, 655 N.E.2d 848, 211 Ill.Dec. 465 (1995); *People v. Fleming*, 50 Ill.2d 141, 277 N.E.2d 872 (1971); *People v. Calcaterra*, 33 Ill.2d 541, 213 N.E.2d 270 (1965).

Use applicable bracketed material.