

8.05

Issues In Aggravated Kidnapping—Kidnapping By Secret Confinement

To sustain the charge of aggravated kidnapping, the State must prove the following propositions:

First Proposition: That the defendant secretly confined _____ against [(his) (her)] will; and

Second Proposition: That the defendant acted knowingly; and

Third Proposition: That the defendant acted for the purpose of obtaining ransom from _____ or from any other person.

[or]

Third Proposition: That _____ was [(a child under the age of 13 years who was confined without the consent of [(his) (her)] parent or legal guardian) (a person with a severe or profound intellectual disability who was confined without the consent of [(his) (her)] legal guardian)].

[or]

Third Proposition: That the defendant [(inflicted great bodily harm, other than by the discharge of a firearm) (committed _____)] upon _____.

[or]

Third Proposition: That the defendant [(wore a hood, robe, or mask) (concealed his identity)].

[or]

Third Proposition: That the defendant during the commission of the offense was armed with a dangerous weapon, other than a firearm.

[or]

Third Proposition: That the defendant during the commission of the offense was armed with a firearm.

[or]

Third Proposition: That the defendant during the commission of the offense personally discharged a firearm.

[or]

Third Proposition: That the defendant during the commission of the offense personally discharged a firearm that proximately caused great bodily harm, permanent disability, permanent disfigurement, or death to another person.

If you find from your consideration of all the evidence that each one of these propositions has been proved beyond a reasonable doubt, you should find the defendant guilty.

If you find from your consideration of all the evidence that any one of these propositions has not been proved beyond a reasonable doubt, you should find the defendant not guilty.

Committee Note

720 ILCS 5/10-1(a) and 5/10-2 (West 2020).

Give Instruction 8.04.

See the Committee Note to Instruction 8.04 concerning whether to give Instruction 8.05, 8.05A, or 8.05B.

Insert in the appropriate blank the name of the victim or specific felony committed. See Committee Note to Instruction 8.04.

Use applicable propositions and bracketed material.

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. See Instruction 5.03.