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 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 parent or legal guardian) (an institutionalized severely or profoundly mentally retarded person)].

[or]

Third Proposition: That the defendant [(inflicted great bodily harm) (committed ____)] upon ____.

[or]

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

[or]

Third Proposition: That the defendant was armed with a dangerous weapon.

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 1992) (formerly Ill.Rev.Stat. ch. 38, §§10-1(a) and 10-2 (1991)), amended by P.A. 85-1392, effective January 1, 1989.

Give Instruction 8.04.

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

See People v. Marin, 48 Ill.2d 205, 269 N.E.2d 303 (1971), when the case concerns the

kidnapping of a child under 13 for ransom.

Insert in the appropriate blanks the name of the victim or the specific felony. 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.