

11.49A
Definition Of Public Official And Immediate Family

A person [(holding the position of ____) (who has filed the required documents for nomination or election to the position of ____)] is a public official.

[When I use the term “required documents” I mean _____.]

[The term “immediate family” means a public official's [(spouse) (child) (children)].]

Committee Note

720 ILCS 5/12-9 (West 1992) (formerly Ill.Rev.Stat. ch. 38, §12-9 (1991)), amended by P.A. 87-238, effective January 1, 1992.

P.A. 87-238 amended Section 12-9 by replacing specific titles of public officials with the following definition:

“[P]ublic official means a person who is elected to office in accordance with a statute or who is appointed to an office which is established, and the qualifications and duties of which are prescribed, by statute, to discharge a public duty for the State or any of its political subdivisions or in the case of an elective office any person who has filed the required documents for nomination or election to such office.”

The Committee concluded that the nature of the office is a question of law to be decided by the court; whether the person allegedly threatened was such a public official is a question of fact for the jury. Insert in the blank the particular office held or filed for.

When applicable, insert in the blank in the first bracketed sentence the required documents that must be filed for nomination or election. The court should instruct the jury what the required documents are, and the jury need only decide if the documents were filed. The legal sufficiency of the documents is *not* an issue for the jury.

Use applicable bracketed material.