

21.15
Definition Of Official Misconduct

A [(public officer) (public employee) (special government agent)] commits the offense of official misconduct when, in his official capacity, he

[1] [(intentionally) (recklessly)] fails to perform any mandatory duty as required by law.

[or]

[2] knowingly performs an act which he knows he is forbidden by law to perform.

[or]

[3] performs an act in excess of his lawful authority with intent to obtain a personal advantage for [(himself) (another)].

[or]

[4] [(solicits) (knowingly accepts)] a fee or reward which he knows is not authorized by law, for the performance of any act.

Committee Note

720 ILCS 5/33-3(a), 2-17, and 2-18 (West 2019), as amended by P.A. 94- 0338, effective January 1, 2006.

Give Instruction 21.16.

When the charge involves a public employee, give Instruction 4.11, defining “public employee”.

When the charge involves a public officer, give Instruction 4.12, defining “public officer”.

When the charge involves a special government agent, give Instruction 4.12A, defining “special government agent”.

Use applicable bracketed material.

The bracketed numbers are present solely for the guidance of court and counsel and should not be included in the instruction submitted to the jury.