

8.02
Issues In Kidnapping

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

First Proposition: That the defendant acted knowingly; and

Second Proposition: That the defendant secretly confined ____ against his will.

[or]

Second Proposition: That the defendant, by force or threat of imminent force, carried ____ from one place to another place; and

Third Proposition: That when the defendant did so, he intended secretly to confine ____ against his will.

[or]

Second Proposition: That the defendant, by deceit or enticement, induced ____ to go from one place to another place; and

Third Proposition: That when the defendant did so, he intended secretly to confine ____ against his will.

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 (West, 1999) (formerly Ill.Rev.Stat. ch. 38, §10-1 (1991)).

Note that intent to confine is not an issue when the evidence tends to show that the defendant did confine the victim. See Section 10-1(a)(1). However, when the evidence shows only forcible or deceitful carrying of the victim, intent is a necessary issue. See Sections 10-1(a)(2) and (3).

Insert in the blanks the name of the victim.

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.