

## **8.06A**

### **Definition Of Aggravated Unlawful Restraint**

A person commits the offense of aggravated unlawful restraint when he knowingly and without legal authority detains another person while using a deadly weapon.

#### **Committee Note**

720 ILCS 5/10-3.1 (West, 1999) (formerly Ill.Rev.Stat. ch. 38, §10-3.1 (1991)).

Give Instruction 8.07A.

If legal authority is a question of fact, an instruction defining legal authority should be given as applied to the facts in the case. See, for example, Section 107-3 (arrest by private person) and Section 16A-6 (merchant's defense). See also Article 7 of Chapter 720.

The Committee notes that the legislative phrase “while using a deadly weapon” in the new section contrasts with the phrase “while armed with a dangerous weapon” found elsewhere in Chapter 720 (see, e.g., Sections 10-2(a)(5), 10-4(a)(1), and 33A-2), and defined in Section 33A-1. No definition of the new phrase is suggested by the Committee. This conforms with previous instructions involving the phrase “uses a deadly weapon.” See Instructions 11.03 and 11.09.