

8.09
Definition Of Forcible Detention

A person commits the offense of forcible detention when he holds an individual hostage without lawful authority for the purpose of obtaining performance by a third person of demands made by the person holding the hostage, and

[1] the person holding the hostage is armed with a dangerous weapon.

[or]

[2] the hostage is known to the person holding him to be [(a peace officer) (a correctional employee)] engaged in the performance of his official duties.

Committee Note

720 ILCS 5/10-4 (West, 1999) (formerly Ill.Rev.Stat. ch. 38, §10-4 (1991)).

Give Instruction 8.10.

Give Instruction 4.08, defining the term “peace officer,” when paragraph [2] is given.

When appropriate, give the definition of the term “dangerous weapon” found in Section 33A-1. See Committee Note to Instruction 4.17.

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, 725 ILCS 5/107-3 (arrest by private person). See also Article 7 of Chapter 720.

Use applicable paragraphs and 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.