

720 ILCS 5/ 32-1

COMPOUNDING A CRIME

In violation of SECTION 32-1 ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), knowingly offered¹ \$20² to Don Smith³ for Don Smith's promise not to prosecute⁴ the defendant⁵ for retail theft.⁶

¹or received; ²or any consideration; ³or another; ⁴or aid in the prosecution; ⁵or any offender; ⁶or any offense

CHARGING NOTE: See Appendix B for discussion of necessity of alleging mental state.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: Codified - Laws 1961, p.1983 (January 1, 1962); Amended - P.A. 77-2638 and amended and re-numbered by Public Act 97-1108; Eff: 1-1-13.

CHARGE: Petty Offense

BOND: No bond is now needed.
Public Act: 98-0870; Eff: 1-1-15.

720 ILCS 5/ 32-2

PERJURY

In violation of SECTION 32-2 ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), under oath or affirmation in a criminal proceeding, in the Circuit Court of Union County, Illinois, People v. Sammo, 76 CR 777, where by law such oath or affirmation is required, made a false statement, material to the issue in question, being the identification of Don Sammo as the perpetrator of an Armed Robbery that occurred on or about March 15, 2012 at or about 3:00 P.M. at 777 May Street, City of Union City, Union County, Illinois, which said defendant knew was false in that: On April 21, 2012, the above entitled cause came on for preliminary hearing before the Honorable Samuel Brown in Courtroom #6, Union County, Illinois, wherein the defendant was asked the following questions and made the following responses: (Describe the questioned responses.)

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: Codified - Laws 1961, p.1983 (January 1, 1962); Amended - P.A.s 77-2638, 82-883, 84-1308, 91-239 and amended and re-numbered by Public Act 97-1108; Eff: 1-1-13.

CHARGE: Felony (Class 3)

BOND: Must be Set by Judge

720 ILCS 5/ 32-3

SUBORNATION OF PERJURY

In violation of SECTION 32-3 ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), knowingly induced¹ Don Smith to make a perjurious statement in violation of Section 32-2 of the Illinois Criminal Code which the defendant knew was false.

¹or procured

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: Codified - Laws 1961, p.1983 (January 1, 1962); Amended - P.A. 77-2638 and amended and re-numbered by Public Act 97-1108; Eff: 1-1-13.

CHARGE: Felony (Class 4)

BOND: Must be Set by Judge

720 ILCS 5/ 32-4(a)

UNLAWFUL COMMUNICATION WITH A JUROR

In violation of SECTION 32-4(a) ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), with the intent to influence Don Smith, a person whom the defendant believed had been summoned as a juror, communicated¹ with Don Smith regarding a matter to be brought before Don Smith as a juror, the criminal prosecution of the defendant.

¹either directly or indirectly

NOTE: The phrase "without justification" has been deleted. See Appendix B for an explanation.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: Codified - Laws 1961, p.1983 (January 1, 1962); Amended - Laws 1965, p.406; Laws 1967, p.2810; P.A.s 77-2638, 82-291, 88-276, 89-377 and 94-186.

CHARGE: Felony (Class 4)

BOND: Must be Set by Judge

720 ILCS 5/ 32-4a(a)(1)

HARASSMENT OF JURORS

In violation of SECTION 32-4a(a)(1) ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), with intent to harass¹ Don Smith, a person who served² as a juror in a pending legal proceeding because of the participation of Don Smith in the verdict of that pending legal proceeding³ conveyed a threat of injury to Don Smith⁴ in that he threatened to break the neck of Don Smith.

¹or annoy; ²or is serving; ³or because of the verdict by the jury in a pending legal proceeding; ⁴or communicated directly or indirectly with the juror in such a manner as to produce mental anguish or emotional distress or conveyed a threat of damage to the property or person of any juror

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: Added by Public Act 89-686 (Eff: 6-1-97). Amended: 93-818.

CHARGE: Felony (Class 2)

BOND: Must be Set by Judge

720 ILCS 5/ 32-4a(a)(2)

HARASSMENT OF WITNESSES

In violation of SECTION 32-4a(a)(2) ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), with intent to harass¹ Don Smith, a person who served² as a witness³ in a legal proceeding, because of the testimony⁴ of Don Smith,⁵ conveyed a threat of injury to Don Smith⁶ in that he threatened to break the neck of Don Smith.

¹or annoy; ²or is serving; ³or who may be expected to serve as a witness in a pending legal proceeding or who was expected to serve as a witness but who did not serve as a witness because the charges against the defendant were dismissed or because the defendant pleaded guilty to the charges against him or her; ⁴or potential testimony; ⁵or any witness or person who may be expected or may have been expected to serve as a witness; ⁶or communicated directly or indirectly with the witness or person who may be expected or may have been expected to serve as a witness in such a manner as to produce mental anguish or emotional distress or conveyed a threat of damage to the property or person of any witness or person who may be expected or may have been expected to serve as a witness

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

CHARGE: Felony (Class 2)

BOND: Must be Set by Judge

720 ILCS 5/ 32-4a(b)

HARASSMENT OF A REPRESENTATIVE OF A CHILD

In violation of SECTION 32-4a(b) ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), with the intent to harass¹ Don Smith, a person who is serving² as a representative appointed under the provisions of Section 506 of the Illinois Marriage and Dissolution of Marriage Act³ to represent Dawn Brown, a child, conveyed a threat of injury⁴ to Don Smith⁵ in that he threatened to break the neck of Don Smith and said threat was made because of the representative service of Don Smith.

¹or annoy; ²or has served; ³or Section 2-502 of the Code of Civil Procedure; ⁴or damage the property or person; ⁵or communicated directly or indirectly with the representative in such a manner as to produce mental or emotional distress

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: Created by Public Act 89-686 (Eff: 6-1-97). Amended by Public Act 93-108.

CHARGE: Misdemeanor (Class A)

BOND: \$1,500

720 ILCS 5/ 32-4(b)

UNLAWFUL COMMUNICATION WITH A WITNESS

In violation of SECTION 32-4(b) ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), with the intent to deter Don Smith¹ from testifying, fully and truthfully to a matter then pending in the Union County Circuit Court,² the criminal prosecution of the defendant, did forcibly detain Don Smith.³

¹or any party or witness; ²or in any court, or before a Grand Jury, Administrative Agency or any other State or local government unit; ³or communicated, directly or indirectly, to such party or witness any knowingly false information or threat of injury or damage to the property or person of any individual, or offered or delivered or threatened to withhold money or another thing of value to any individual

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

CHARGE: Felony (Class 3)

BOND: Must be Set by Judge

720 ILCS 5/ 32-4(d)

UNLAWFUL PAYMENT OF JURORS

In violation of SECTION 32-4(d) ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), a person who was a defendant¹ in (identify the civil or criminal case herein involved), after a verdict had been rendered in that case, knowingly² offered³ an award⁴ to Don Smith, a person who was a member of the jury that rendered the verdict in the above-described case.

¹or plaintiff; ²or intentionally or recklessly; ³or paid; ⁴or other fee

NOTE: Subsection (b) of this Section provides that this offense may also be committed when a juror accepts a reward or fee from the plaintiff or defendant in such a case.

NOTE: This Section does not prohibit the payment of a fee or award to a person who is a juror for purposes unrelated to the jury's verdict or to the outcome of the case.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: Created by P.A. 92-0879 (Eff. 1-1-01). Amended by P.A. 94-186, eff. 1-1-06.)

CHARGE: Misdemeanor (Class A)

BOND: \$1,500

720 ILCS 5/ 32-4e(a)(1)

INTERFERING WITH THE DUTIES OF A JUDICIAL OFFICER

In violation of SECTION 32-4e(a)(1) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), with the intent to induce Judge Don Smith, a Judicial Officer, to do¹ an act in violation of the lawful execution of his official duties; to wit: (describe the act), said defendant gave² \$1,000, United States Currency³ directly⁴ to Judge Don Smith⁵.

¹or fail to do; ²or offered to give; ³or any benefit, promise, pecuniary compensation, or any other form of compensation; ⁴or indirectly; ⁵or to a member of the judicial officer's immediate family

NOTE: For purposes of this offense, the term "Judicial Officer" means a justice, judge, associate judge, or magistrate of a court of the United States of America or the State of Illinois. The term "Immediate family" means a judicial officer's spouse or children.

NOTE: This offense may also be committed when such a defendant acts with the intent to induce a judicial officer to commit or aid in the commission of any fraud, or to collude in, allow, or make available the opportunity for the commission of any fraud on the State of Illinois. (720 ILCS 5/ 32-4e(a)(2))

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: Created by Public Act 95-1035 (Eff. 6-1-09)

CHARGE: Felony (Class 2)

BOND: Must be Set by Judge

720 ILCS 5/ 32-4e(b)

INTERFERING WITH THE DUTIES OF A JUDICIAL OFFICER

In violation of SECTION 32-4e(b) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), with the intent to interfere with the administration of the judicial process, said defendant gave¹ \$1,000, United States Currency² directly³ to Don Smith, a Union County court employee⁴.

¹or offered to give; ²or any benefit, promise, pecuniary compensation, or any other form of compensation; ³or indirectly; ⁴or to a court staff member

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: Created by Public Act 95-1035 (Eff: 6-1-09)

CHARGE: Felony (Class 2)

BOND: Must be Set by Judge

720 ILCS 5/ 32-4f

RETALIATING AGAINST A JUDGE

In violation of SECTION 32-4f of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), with the intent of retaliating against Judge Don Smith, an Illinois Circuit Court Judge¹, for the performance² of an official judicial duty; to wit (describe the duty), said defendant filed³ in a public record located in the Union County Recorder of Deeds Office⁴ a false lien⁵ against real property owned by Judge Don Smith and located at 555 W. Union Street, Union City, Illinois, with the knowledge that such lien⁵ was false⁶.

¹or any Supreme, Appellate, Circuit or Associate Judge of the State of Illinois; ²or non-performance; ³or caused to be filed; ⁴or in any public record or private record that is generally available to the public; ⁵or encumbrance; ⁶that such lien or encumbrance contained any materially false, fictitious or fraudulent statement or representation

CHARGING NOTE: A second or subsequent violation of this subsection is a Class 4 felony. The charging instrument must state prior conviction. See Appendix A for discussion.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: Created by Public Act 95-1035 (Eff: 6-1-09)

CHARGE: Misdemeanor (Class A)

BOND: \$1,500

720 ILCS 5/ 32-6

PERFORMANCE OF UNAUTHORIZED ACTS

In violation of SECTION 32-6 ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), knowing that his performance was not authorized by law, conducted a marriage ceremony.¹

¹or acknowledged the execution of a document which by law may be recorded, or became a surety for any party in any civil or criminal proceeding, before any court or public officer authorized to accept such surety

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: Codified - Laws 1961, p.1983 (January 1, 1962); Amended - P.A. 77-2638.

CHARGE: Felony (Class 4)

BOND: Must be Set by Judge

720 ILCS 5/ 32-8(a)

TAMPERING WITH PUBLIC RECORDS

In violation of SECTION 32-8(a) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), knowingly, without authority, **and with the defraud a party¹**, destroyed² public records in that he burned the tax records of Union County.

¹or public officer or entity; ²altered, defaced, removed or concealed

NOTE: A “Public Record” expressly includes, but is not limited to, court records, or documents, evidence, or exhibits filed with the clerk of the court and which have become a part of the official court record, pertaining to any civil or criminal proceeding in any court. (720 ILCS 5/ 32-8(b)).

CHARGING NOTE: Any judge, circuit clerk or clerk of court, public official or employee, court reported, or other person who knowingly, without lawful authority, and with the defraud a party¹, alters, destroys, defaces, removes, or conceals any public record received or held by any judge or by a clerk of any court commits a Class 3 felony. (720 ILCS 5/ 32-8(c)).

IMPORTANT: For sentencing and alternative charging information and for further information concerning the consequences of violating Subsection (c) of this Section, see the Sentencing Guide.

Legislative History: Codified - Laws 1961, p.1983 (January 1, 1962); Amended - P.A. 77-2638. This offense was recently amended by Public Act 96-1217. (Eff: 1-1-11) and 96-1508. (Eff: 6-1-11.)

CHARGE: Felony (Class 4)

BOND: Must be Set by Judge

720 ILCS 5/ 32-8.1(a)

TAMPERING WITH A CERTIFICATION

In violation of SECTION 32-8.1(a) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), knowingly, without authority, and with the defraud Sam Smith¹, used a certification issued by a public official, to wit: Jim Jones, the Union County Clerk², in connection with a document, (describe the document), and said defendant knew³ said document was not the original document for which Jim Jones had originally issued the certification.

¹or any individual, entity, public officer, or governmental unit; ²or a part of a certification; ³or should have known.

DEFINITION: A "certificate" including but not limited to an apostille, the "great seal of the State of Illinois", or other similar certification. (720 ILCS 5/ 32-8.1(a)).

CHARGING AND SENTENCING NOTE: A second or subsequent offense for a violation of this offense is a Class 4 felony. The charging document must state the prior violation. See Appendix A for discussion. (720 ILCS 5/ 32-8(b)).

IMPORTANT: For sentencing and alternative charging information and for further information concerning the consequences of violating Subsection (c) of this Section, see the Sentencing Guide.

This complaint was created by P. A. 98-0170; (Eff: 8-5-13).

CHARGE: Misdemeanor (Class A)

BOND: \$1,500

720 ILCS 5/ 32-10(a)

VIOLATION OF BAIL BOND

In violation of SECTION 32-10(a) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), after having been admitted to bail on April 10, 2008, for appearance in Courtroom #6 of the Circuit Court of Union County, a court of record of this State, on April 26, 2008, at 9:00 A.M., and on that date he incurred a forfeiture of his bail and thereafter knowingly failed to surrender himself within 30 days following the date of the forfeiture.

CHARGING NOTE: If the bail was given in connection with a charge of a felony or pending appeal or certiorari after conviction of any offense, it is a felony of the next lower Class or a Class A misdemeanor if the underlying offense was a Class 4 felony. If the bail was given in connection with a charge of committing a misdemeanor or for appearance as a witness, it is a misdemeanor of the next lower Class, but not less than a Class C misdemeanor. See the Sentencing Guide.

SENTENCING NOTE: Any sentence imposed for a violation of this Section shall be served consecutive to the sentence imposed for the charge for which bail had been granted and with respect to which the defendant has been convicted. See Sentencing Guide.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: Codified - Laws 1961, p.1983 (January 1, 1962); Amended - Laws 1961, p.2447; P.A.s 77-2638, 79-1360, 82-281, 84-945, 88-430, 88-680, 89-203, 91-696 and amended and re-numbered by Public Act 97-1108; Eff: 1-1-13.

CHARGE: See Charging Note Above

BOND: See Sentencing Note Above

720 ILCS 5/ 32-10(a-5)

BAIL BOND VIOLATION

In violation of SECTION 32-10(a-5) ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), after having been admitted to bail on April 10, 2008, for appearance in Courtroom #6 of the Circuit Court of Union County, a court of record in this State, violated a condition of his bail bond by knowingly possessing a firearm, in violation of his conditions of bail.

CHARGING AND SENTENCING NOTE: A second or subsequent violation of this offense is a Class 3 felony. The charging instrument must state prior conviction. See Appendix A.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

This complaint was last amended and re-numbered by Public Act 97-1108; Eff: 1-1-13.

CHARGE: Felony (Class 4)

BOND: Must be Set by Judge

720 ILCS 5/ 32-10(b)

VIOLATION OF BAIL BOND

In violation of SECTION 32-10(b) ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), after having been admitted to bail on April 10, 2008, for appearance in Courtroom #6 of the Circuit Court of Union County, a court of record of this State, on April 26, 2008, at 9:00 A.M., and while charged with domestic battery, in violation of Section 12-3.2 of this Code, a criminal offense in which the victim was a member of the defendant's family ¹ knowingly violated a condition of that release² in that (describe the violation of the condition of release).

¹ or his household as defined in Article 112A of the Code of Criminal Procedure of 1963;

² as set forth in Section 110-10, subsection (d) of the Code of Criminal Procedure of 1963

NOTE: Whoever, having been admitted to bail for appearance before any court of this State for a felony, Class A misdemeanor or a criminal offense in which the victim is a family or household member as defined in Article 112A of the Code of Criminal Procedure of 1963, is charged with any other felony, Class A misdemeanor, or a criminal offense in which the victim is a family or household member as defined in Article 112A of the Code of Criminal Procedure of 1963 while on such release, must appear before the court before bail is statutorily set. (32-10c) See the Sentencing Guide.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

CHARGE: Misdemeanor (Class A)

BOND: \$1,500

720 ILCS 5/ 32-13(a)

UNLAWFUL CLOUDING OF TITLES

In violation of SECTION 32-13(a) ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), intentionally recorded¹ a document in the office of the Macoupin County Registrar of Titles² that is a cloud on the title of land located at 777 May Street, Union County, Illinois,³ knowing that the theory upon which the purported cloud on title was based was not recognized as a legitimate legal theory by the courts of the State of Illinois,⁴ and the value of the cloud on the title did not exceed \$10,000.

¹or filed or caused to be recorded or filed; ²or recorder or registrar of titles of any county of this State; ³or any land in the State; ⁴or by the courts of the United States.

CHARGING AND SENTENCING NOTE: Unlawful clouding of title is a Class A misdemeanor for a first offense if the cloud on the title has a value that does not exceed \$10,000. Unlawful clouding of title is a Class 4 felony if the cloud on the title has a value that exceeds \$10,000, or for a second or subsequent offense. The charging document must state the prior offense. See Appendix A for discussion.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: Created by Public Act 89-682 (Eff: 1-1-97). Amended and re-numbered by Public Act 98-0098; (Eff: 1-1-14).

CHARGE: Misdemeanor (Class A)

BOND: \$1,500

720 ILCS 5/ 32-14

UNLAWFUL MANIPULATION OF A JUDICIAL SALE

In violation of SECTION 32-14 of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), knowingly engaged in a combination with¹ Don Smith,² who is³ a competitor of the defendant, for the purpose of⁴ limiting⁵ the making of bids at⁶ a judicial sale; to wit: (describe the judicial sale).

¹or a conspiracy or made an contract with; ²or any person; ³or but for a prior agreement is; ⁴or with the effect of; ⁵or fixing, controlling or otherwise manipulating; ⁶or the participation of any person in

NOTE: "Judicial sale" for purposes of this subsection means any sale of real or personal property in accordance with a court order, including, but not limited to, judicial sales conducted pursuant to Section 15-1507 of the Code of Civil Procedure, sales ordered to satisfy judgments under Article XII of the Code of Civil Procedure, and enforcements of delinquent property taxes under Article XXI of the Property Tax Code. (720 ILCS 5/ 32-14(f))

CHARGING NOTE: A second or subsequent violation of this offense is a Class 2 Felony. The charging instrument must state the prior violation. See Appendix A for discussion.

SENTENCING NOTE: This offense requires that a mandatory fine shall be imposed for a violation of this subsection, not to exceed \$1,000,000 if the violator is a corporation, or, if the violator is any other person, not to exceed \$100,000. (720 ILCS 5/ 32-14(b))

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: Created by Public Act: 96-0408 (Effective: 8-13-09).

CHARGE: Felony (Class 3)

BOND: Must be Set by Judge

720 ILCS 5/ 33-1(a)

BRIBERY

In violation of SECTION 33-1(a) ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), with the intent to influence the performance of an act related to the employment¹ of a public officer,² Don Smith, a police officer for the City of Union City, Union County, Illinois, promised³ \$100 United State's currency⁴ to Don Smith, to forego serving a criminal complaint and arrest warrant upon James Brown, which currency Don Smith was not authorized by law to accept.

¹ or function; ² or any public employee, juror, or witness definition of public officer and public employee (720 ILCS 5/2-17 & 2-18) reads as follows: Public Employee - "Public employee" means a person other than a public officer, who is authorized to perform any official function on behalf of, and is paid by, the State or any of its political subdivisions. Public Officer - "Public Officer" means a person who is elected to office pursuant to 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; ³ or tenders; ⁴ or any property or personal advantage

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: Codified - Laws 1961, p.1983 (January 1, 1962); Amended - P.A.s 77-2638, 80-922, 80-1099 and 84-761.

CHARGE: Felony (Class 2)

BOND: Must be Set by Judge

720 ILCS 5/ 33-1(b)

BRIBERY

In violation of SECTION 33-1(b) ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), with the intent to influence the performance of an act related to the employment¹ of a public employee² he promised³ \$100 United State's currency⁴ to Don Smith, to forego serving a criminal complaint and arrest warrant upon William Smith, believing Don Smith was a public employee,² a police officer, for the City of Union City, Union County, Illinois, which currency⁴ a public employee² would not be authorized by law to accept.

¹or function; ²or public officer, juror or witness (Definition of public officer and public employee: See Appendix C); ³or tendered; ⁴or any property or personal advantage

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

CHARGE: Felony (Class 2)

BOND: Must be Set by Judge

720 ILCS 5/ 33-1(c)

BRIBERY

In violation of SECTION 33-1(c) ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), with the intent to cause Don Smith to influence the performance of an act related to the employment¹ of a public officer,² James Smith, a police officer for the City of Union City, Union County, Illinois, promised³ \$100 United States currency to Don Smith to cause James Smith to forego serving a criminal complaint and arrest warrant upon James Brown, which currency⁴ Don Smith was not authorized by law to accept.

¹or function; ²or public employee, juror, or witness (Definition of public officer and public employee: See Appendix C); ³or tendered; ⁴or any property or person advantage

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

CHARGE: Felony (Class 2)

BOND: Must be Set by Judge

720 ILCS 5/ 33-1(d)

BRIBERY

In violation of SECTION 33-1(d) ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), received¹ \$100 United States currency² from James Brown, which he was not authorized by law to accept, knowing that such money was tendered³ with the intent to cause him to influence the performance of an act related to the employment of a public employee,⁴ James Smith, a police officer for the City of Union City, Union County, Illinois, being to cause James Smith to forego arresting James Brown.

¹or retained or agreed to accept; ²or any property or personal advantages; ³or promised; ⁴or public officer, juror or witness (Definition of public officer and public employee: See Appendix C)

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

CHARGE: Felony (Class 2)

BOND: Must be Set by Judge

720 ILCS 5/ 33-1(e)

BRIBERY

In violation of SECTION 33-1(e) ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), received¹ \$100 United States currency² from James Brown, pursuant to an understanding between the defendant and James Brown that the defendant would attempt to improperly influence³ the performance of Don Smith, a Union County Deputy Sheriff,⁴ in that the defendant would attempt to prevent Don Smith from serving a warrant for the arrest of James Brown.⁵

¹or solicited, retained or agreed to accept; ²or any property or personal advantage; ³or improperly influence; ⁴or any public officer, public employee, juror or witness; ⁵or any act related to the employment or function of that person

NOTE: Definition of public officer and public employee, see Appendix C.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

CHARGE: Felony (Class 2)

BOND: Must be Set by Judge

720 ILCS 5/ 33-2

FAILURE TO REPORT A BRIBE

In violation of SECTION 33-2 ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), a public employee,¹ a police officer for the City of Union City, Union County, Illinois, failed to report forthwith to John White, the State's Attorney of Union County,² Illinois, an offer made to him, in violation of Section 33-1(a) of Act 5 of Chapter 720 of the Illinois Compiled Statutes,³ in that Don Smith, with the intent to influence the performance of the defendant, promised \$100 United States currency to the defendant to forego serving a criminal complaint and arrest warrant upon Don Smith, which currency the defendant was not authorized by law to accept.

¹or public officer or juror (Definition of public officer and public employee: See Appendix C); ²the local State's Attorney; ³any violation of Section 33-1 (see applicable complaint form)

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: Codified - Laws 1961, p.1983 (January 1, 1962); Amended - P.A.s 77-2638, 83-844 and 84-25.

CHARGE: Misdemeanor (Class A)

BOND: \$1,500

720 ILCS 5/ 33-3(a)(2)

OFFICIAL MISCONDUCT

In violation of SECTION 33-3(a)(2) ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), a public employee,¹ a police officer, while acting in his official capacity,² knowingly performed an act which he knew was forbidden by law to perform³ in that he committed theft in excess of \$300 in violation of Section 16-1 of Act 5 of Chapter 720 of the Illinois Compiled Statutes, by taking \$350 from the person of Don Smith.

¹or a public officer or special government agent; ²or in his capacity as a special government agent; ³or intentionally or recklessly failed to perform any mandatory duty as required by law (33-3(a)(1)), or with the intent to obtain a personal advantage for himself or another, performed an act in excess of his lawful authority (33-3(a)(3)), or solicited or knowingly accepted for performance of any act a fee or reward which he knew was not authorized by law (state the precise statute, rule, regulation or tenet violated) (33-3(a)(4))

DEFINITION: For purposes of this Section, "special government agent" has the meaning ascribed to it in subsection (1) of Section 4A-101 of the Illinois Governmental Ethics Act.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: Codified - Laws 1961, p.1983 (January 1, 1962); Amended - P.A.s 77-2638, 80-922, 82-576, 82-790 and 94-338. Recently re-numbered by Public Act 98-867; Eff: 1-1-15.

CHARGE: Felony (Class 3)

BOND: Must be Set by Judge

720 ILCS 5/ 33-3(b)

OFFICIAL MISCONDUCT

In violation of SECTION 33-3(b) ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), an employee of the Union City Police Department, a law enforcement agency, knowingly communicated^{1,2} information acquired in the course of his employment with the Union City Police Department, with the intent to prevent³ the apprehension⁴ of Sam Smith⁵.

¹or used; ²either directly or indirectly; ³or obstruct or impede; ⁴or the investigation or prosecution; ⁵or any criminal offense or person.

CHARGING NOTE: Nothing in this subsection (b) shall be construed to impose liability for communicating to a confidential resource, who is participating or aiding law enforcement, in an ongoing investigation.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: This subsection was created by Public Act 98-0867; Eff: 1-1-15.

CHARGE: Felony (Class 3)

BOND: Must be Set by Judge

720 ILCS 5/ 33-4(a)

UNLAWFUL GANG-RELATED ACTIVITY BY A PEACE OFFICER¹

In violation of SECTION 33-4(a) ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), a peace officer,¹ knowingly committed an act in furtherance of gang-related activities in that (describe the act that was committed in furtherance of street-gang activities).

¹or a correction officer

NOTE: "Gang-related" has the meaning ascribed to it in Section 10 of the Illinois Street-gang Terrorism Omnibus Prevention Act. (740 ILCS 147/10)

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: Created by Public Act 90-131 (Eff: 1-1-98).

CHARGE: Felony (Class 3)

BOND: Must be Set by Judge

720 ILCS 5/ 33-5(a)

FAILURE TO PRESERVE EVIDENCE

In violation of SECTION 33-5(a) ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), an agent of a law enforcement agency,¹ the Union City Police Department, intentionally failed to comply with the provisions of subsection (a) of Section 116-4 of the Code of Criminal Procedure of 1963 in that said defendant failed to preserve, subject to a continuous chain of custody, physical² evidence in the defendant's control³ that was likely to contain forensic evidence⁴ secured in relation to the trial of Don Smith concerning a charge of violating Section 12-14.1⁵ of the Criminal Code of 1961.

¹or the law enforcement agency itself; ²or any physical evidence; ³or possession; ⁴including, but not limited to, fingerprints or biological material or sufficient documentation to locate that evidence; ⁵or Sections 12-13, 12-14, 12-15 or 12-16 of the Criminal Code of 1961 or in a prosecution for an offense defined in Article 9 of that Code, or in a prosecution for an attempt in violation of Section 8-4 of that Code of any of the above-mentioned offenses.

IMPORTANT: For sentencing and alternative charging information see the [Sentencing Guide](#).

Legislative History: Created by P.A.s 91-871 (Eff: 1-1-01 and 92-459 (Eff: 8-22-01).

CHARGE: Felony (Class 4)

BOND: Must be Set by Judge

720 ILCS 5/ 33-7(a)(2)

PUBLIC CONTRACTOR MISCONDUCT

In violation of SECTION 33-7(a)(2) ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), a public contractor¹ with the Union City School System,² while in the performance of³ a contract with the Union City School District, knowingly performed an act which he knew he was forbidden by law to perform, in that he committed theft in excess of \$300 in violation of Section 16-1 of Act 5 of Chapter 720 of the Illinois Compiled Statutes, by taking \$350 from the person of John Brown.

¹or a person seeking a public contract on behalf of himself, herself, or another; or an employee of a public contractor; ²or with the State, a unit of local government, or a school district; ³or in connection with or in obtaining or seeking to obtain such a contract

NOTE: This subsection may also be violated where the defendant: (a)(1) intentionally or knowingly makes, uses, or causes to be made or used a false record or statement to conceal, avoid, or decrease an obligation to pay or transmit money or property; (a)(3) with intent to obtain personal advantage for himself, herself, or another, he or she performs an act in excess of his or her contractual responsibility; (a)(4) solicits or knowingly accepts for the performance of any act a fee or reward that he or she knows is not authorized by law, (a-5) or knowingly or intentionally seeks or receives compensation or reimbursement for goods and service he or she purported to deliver or render, but failed to do so pursuant to the terms of the contracts, to the unit of State or local government or school district.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: This subsection was created by P.A. 94-338 (Eff: 1-1-06). Amended by P.A. 96-0575 (Effective: 8-18-09).

CHARGE: Felony (Class 3)

BOND: Must be Set by Judge

720 ILCS 5/ 33A-2(a)

ARMED VIOLENCE

In violation of SECTION 33A-2(a) ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), while armed with a dangerous weapon, an axe, performed acts¹ prohibited by (list the statutory citation of the felony offense) (describe the felony offense).

¹any felony defined by Illinois Law, except first degree murder, attempted first degree murder, intentional homicide of an unborn child, second degree murder, involuntary manslaughter, reckless homicide, predatory criminal sexual assault of a child, aggravated battery of a child as described in Section 12-4.3 or subdivision (b)(1) of Section 12-3.05, home invasion, or any offense that makes the possession or use of a dangerous weapon an element of the base offense, an aggravated or enhanced version of the offense, or a mandatory sentencing factor that increases the sentencing range

NOTE: See Sentencing Guide for sentencing information.

NOTE: The offense of armed violence cannot be predicated upon the following offenses: (1) First degree murder, second degree murder, or involuntary manslaughter (see People v. Hobbs (5th Dist., 1993), 249 Ill. App. 3d 679); (2) unlawful restraint (see People v. Murphy (2nd Dist., 1994), 261 Ill. App. 3d 1019); and (3) aggravated battery based upon the use of a deadly weapon (see People v. Haron (1981), 85 Ill. 2d 262).

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: Created - Laws 1967, p.2595 (August 3, 1967); Amended - P.A. 80-1099, 88-467, 89-462, 91-404, 94-556, 95-688 and 96-1551; Eff: 7-2-11.

CHARGE: Felony (Class X)

BOND: Must be Set by Judge

720 ILCS 5/ 33A-2(b)

ARMED VIOLENCE

In violation of SECTION 33A-2(b) ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), while armed with a dangerous weapon, a sawed-off shotgun, performed acts prohibited by Illinois Compiled Statutes, Chapter 720, Act 570, Section 401, in that he delivered a controlled substance, cocaine, to Don Smith¹ and while committing that offense the defendant personally discharged the sawed-off shotgun.

¹any felony defined by Illinois Law, except first degree murder, attempted first degree murder, intentional homicide of an unborn child, second degree murder, involuntary manslaughter, reckless homicide, predatory criminal sexual assault of a child, aggravated battery of a child as described in Section 12-4.3 or subdivision (b)(1) of Section 12-3.05, home invasion, or any offense that makes the possession or use of a dangerous weapon an element of the base offense, an aggravated or enhanced version of the offense, or a mandatory sentencing factor that increases the sentencing range.

CHARGING NOTE: A violation of this subsection with a firearm that is a Category I or Category II weapon is a Class X felony for which the defendant shall be sentenced to a minimum term of imprisonment of 20 years. See the Sentencing Guide.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: This subsection was amended by Public Act 95-688 (Eff: 10-23-07) and by 96-1551; (Eff: 7-2-11).

CHARGE: Felony (Class X)

BOND: Must be Set by Judge

720 ILCS 5/ 33A-2(c)

ARMED VIOLENCE

In violation of SECTION 33A-2(c) ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), while armed with a dangerous weapon, a sawed-off shotgun, performed acts¹ prohibited by Illinois Compiled Statutes, Chapter 720, Act 570, Section 401, in that he delivered a controlled substance, cocaine, to Sam Smith and while committing that offense said defendant personally discharged the sawed-off shotgun and in so doing proximately caused great bodily harm² to Don Smith³ by (describe the great bodily harm).

¹any felony defined by Illinois Law, except first degree murder, attempted first degree murder, intentional homicide of an unborn child, second degree murder, involuntary manslaughter, reckless homicide, predatory criminal sexual assault of a child, aggravated battery of a child as described in Section 12-4.3 or subdivision (b)(1) of Section 12-3.05, home invasion, or any offense that makes the possession or use of a dangerous weapon an element of the base offense, an aggravated or enhanced version of the offense, or a mandatory sentencing factor that increases the sentencing range; ²or permanent disability or disfigurement; ³or to any other person.

NOTE: For armed violence based upon a predicate offense listed in this subsection (d) the court shall enter the sentence for armed violence to run consecutively to the sentence imposed for the predicate offense. The offenses covered by this provision are: (i) solicitation of murder, (ii) solicitation of murder for hire, (iii) heinous battery, (iv) aggravated battery of a senior citizen, (v) (blank) (vi) a violation of subsection (g) of Section 5 of the Cannabis Control Act, (vii) cannabis trafficking, (viii) a violation of subsection (a) of Section 401 of the Illinois Controlled Substances Act, (ix) controlled substance trafficking involving a Class X felony amount of controlled substance under Section 401 of the Illinois Controlled Substances Act, (x) calculated criminal drug conspiracy, (xi) street-gang criminal drug conspiracy, or (xii) a violation of the Methamphetamine Control and Community Protection Act.

DEFINITION 33A-1(c) ARMED WITH A DANGEROUS WEAPON

(For Purposes of Armed Violence Offense)

(1) "Armed with a dangerous weapon." A person is considered armed with a dangerous weapon for purposes of this Article, when he or she carries on or about his or her person or is otherwise armed with a Category I, Category II, or Category III weapon.

(2) A Category I weapon is a handgun, sawed-off shotgun, sawed-off rifle, any other firearm small enough to be concealed upon the person, semi-automatic firearm, or machine gun. A Category II weapon is any other rifle, shotgun, spring gun, or other firearm, stun gun or taser as defined in paragraph (a) of Section 24-1 of this Code, knife with a blade of at least 3 inches in length, dagger, dirk, switchblade knife, stiletto, axe, hatchet, or other deadly or dangerous weapon or instrument of like character. As used in this subsection (b) "semi-automatic firearm" means a repeating firearm that utilizes a portion of the energy of a firing cartridge to extract the fired cartridge case and chamber the next round and that requires a separate pull of the trigger to fire each cartridge.

(3) A Category III weapon is a bludgeon, black-jack, slingshot, sand-bag, sand-club, metal knuckles, billy, or other dangerous weapon of like character.

CHARGING NOTE: A violation of this subsection with a firearm that is a Category I or Category II weapon is a Class X felony for which the defendant shall be sentenced to a term of imprisonment of not less than 25 years nor more than 40 years. See Sentencing Guide.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: Created - Laws 1967, p.2595 (August 3, 1967); Amended - P.A.s 79-1029, 80-259, 80-1099, 88-467, 88-680, 95-688, 95-1052 and 96-1551; (Eff: 7-2-11).

CHARGE: Felony (Class X) **BOND:** Must be Set by Judge

720 ILCS 5/ 33E-3

UNLAWFUL BID RIGGING

In violation of SECTION 33E-3 ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), knowingly agreed with Don Smith, who was¹ a competitor of the defendant concerning a bid submitted² by the defendant³ to the Union County Highway Department, a unit of local government,⁴ when with the intent that the bid submitted² would result in the award of a contract to Don Smith³ and the defendant provided Don Smith⁵ information concerning the price⁶ of his bid which would otherwise not be disclosed to a competitor in an independent non-collusive submission of bids.⁷

¹or but for such agreement would have been; ²or not submitted; ³or another; ⁴or any unit of State or local government; ⁵or received from another; ⁶or other material term or terms; ⁷or he submits a bid that is of such a price or other material term or terms that he does not intend the bid to be accepted

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: Created - P.A. 85-1295 (Eff: 1-1-89). Amended: P.A. 86-150, 87-618, 87-855 and 90-800.

CHARGE: Felony (Class 3) **BOND:** Must be Set by Judge

720 ILCS 5/ 33E-4

UNLAWFUL BID ROTATING

In violation of SECTION 33E-4 ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), pursuant to a collusive scheme¹ with Don Smith² and Jim Smith, the defendant engaged in a pattern over time³ of submitting sealed bids to the Union County Highway Department, a unit of local government,⁴ with the intent that the award of such bids be distributed among⁵ himself and Don Smith and Jim Smith, who submitted bids on a substantial number of the same contracts.

¹or agreement; ²or another; ³which for the purpose of this Section, shall include at least 3 contract bids within a period of 10 years, the most recent of which must occur after the effective date of the amendatory act of 1988; ⁴or to any unit of State or local government; ⁵or be rotated among

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

CHARGE: Felony (Class 2)

BOND: Must be Set by Judge

720 ILCS 5/ 33E-5(a)

UNLAWFUL ACQUISITION OF BIDDING INFORMATION BY A PUBLIC OFFICIAL

In violation of SECTION 33E-5(a) ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), who was employed by¹ the Union County Highway Department, a unit of local government,² knowingly opened the sealed bid of Don Smith at a time and a place other than as specified in the invitation to bid published by Macoupin County³ on January 2, 2008, in that said defendant opened the sealed bid of Don Smith in the defendant's home located at 777 May Avenue, Union City, Union County, Illinois, at 10:00 p.m., Tuesday, March 30, 2008, when the invitation to bid specified that all bids would be opened at 12:00 noon on April 1, 2008, at the County Board Room in the Union County Courthouse.

¹or an official of; ²or any unit of State or local government; ³or other than as otherwise designated by the State or unit of local government or outside the presence of witnesses as required by the applicable statute or ordinance

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

CHARGE: Felony (Class 4)

BOND: Must be Set by Judge

720 ILCS 5/ 33E-5(b)

UNLAWFUL DISCLOSURE OF BIDDING INFORMATION BY A PUBLIC OFFICIAL

In violation of SECTION 33E-5(b) ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), who was employed by¹ the Union County Highway Department, a unit of local government,² knowingly and without authority disclosed to Don Smith, an interested person, certain information relating to the terms of a sealed bid submitted by James Brown to the Union County Highway Department² in that said defendant, in violation of Section 33E-5(a) of this Chapter, unlawfully opened the bid of James Brown over the telephone to Don Smith.³

¹or an official of; ²or any unit of State or local government; ³or by any other means except as provided by law or necessary to the performance of such official's or employee's responsibilities relating to that bid

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

CHARGE: Felony (Class 3)

BOND: Must be Set by Judge

720 ILCS 5/ 33E-6(a)

UNLAWFUL INTERFERENCE WITH CONTRACT SUBMISSION AND AWARD BY A PUBLIC OFFICIAL

In violation of SECTION 33E-6(a) ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), who was employed by¹ the Union County Highway Department, a unit of local government,² knowingly and directly³ conveyed to Don Smith⁴ certain information outside of the publicly available official invitation to bid, the pre-bid conference, or the solicitation for contract procedures used in any sheltered market procurement adopted pursuant to law or ordinance by Union County, concerning the specifications for such contract⁵ when the inclusion of such information concerning such specifications⁵ in a bid⁶ would have influenced the likelihood of the acceptance of that bid⁶

¹or an official of; ²or any unit of State or local government; ³or indirectly; ⁴or to any person; ⁵or any information concerning such specifications or the identity of any particular potential subcontractor; ⁶or offer

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

CHARGE: Felony (Class 4)

BOND: Must be Set by Judge

720 ILCS 5/ 33E-6(b)

UNLAWFUL INTERFERENCE WITH CONTRACT SUBMISSION AND AWARD BY A PUBLIC OFFICIAL

In violation of SECTION 33E-6(b) ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), who was employed by¹ the Union County Highway Department, a unit of local government,² knowingly and directly³ informed Don Smith, a bidder⁴ on a contract offered by the Union County Highway Department, that his bid⁵ would be accepted⁶ only if James Brown⁷ was included as a subcontractor in the bid⁵ of Don Smith.

¹or an official of; ²or any unit of State or local government; ³or indirectly; ⁴or offerer;
⁵or offer; ⁶or executed; ⁷or any specified individual

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

CHARGE: Felony (Class 3)

BOND: Must be Set by Judge

720 ILCS 5/ 33E-6(d)

UNLAWFUL INTERFERENCE WITH CONTRACT SUBMISSION AND AWARD BY A PUBLIC OFFICIAL

In violation of SECTION 33E-6(d) ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), a bidder¹ on a contract offered by the Union County Highway Department, a unit of local government,² received a communication from Don Smith, an employee of the Union County Highway Department, which the defendant reasonably believed to be proscribed by subsection 33E-6(b)³ of this Section and the defendant failed to inform either the Illinois Attorney General or the State's Attorney of Union County.

¹or an offerer; ²or any unit of State or local government; ³or subsection 33E-6(a)

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

CHARGE: Misdemeanor (Class A)

BOND: \$1,500

720 ILCS 5/ 33E-6(e)

UNLAWFUL INTERFERENCE WITH CONTRACT SUBMISSION AND AWARD BY A PUBLIC OFFICIAL

In violation of SECTION 33E-6(e) ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), a public official with the Union County Highway Department, knowingly awarded a contract from the Union County Highway Department to Don Smith based on criteria which were not publicly disseminated via the Union County Highway Department invitation to bid, (describe the omitted criteria) when such invitation to bid was required by law or ordinance of Union County.¹

¹or the pre-bid conference or any solicitation for contract procedure used in any sheltered market procurement procedure adopted pursuant to statute or ordinance by Macoupin County

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

CHARGE: Felony (Class 3)

BOND: Must be Set by Judge

720 ILCS 5/ 33E-7(a)(1)

UNLAWFUL KICKBACKS

In violation of SECTION 33E-7(a)(1) ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), knowingly provided¹ a kickback² directly³ to Don Smith in that the said defendant paid \$500⁴ to Don Smith, a prime contractor⁵ for the purpose of improperly obtaining⁶ favorable treatment in connection with a prime contract⁷ awarded by the Union County Highway Department, a unit of local government⁸ to Don Smith.

¹or attempted to provide or offered to provide; ²for a definition of "kickback" see 33E-2(f); ³or indirectly; ⁴or any money, fee, commission, credit, gift, gratuity, thing of value, or compensation of any kind; ⁵or a prime contractor or employee, subcontractor or subcontractor employee; ⁶or rewarding; ⁷or a subcontract relating to a prime contract; ⁸or any unit of State or local government

NOTE: This offense may also be committed by soliciting, accepting or attempting to accept a kickback or by including the amount of a kickback into a contract price. (33E-7(a)(2)&(3))

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

CHARGE: Felony (Class 3)

BOND: Must be Set by Judge

720 ILCS 5/ 33F-2

UNLAWFUL USE OF BODY ARMOR

In violation of SECTION 33F-2 of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), knowingly wore body armor and was in possession of a switch-blade knife¹ while said defendant was attempting² to commit the armed robbery³ of Don Smith.

¹or any other type of dangerous weapon, other than a firearm; ²or while committing such offense; ³or any other criminal offense

NOTE: For a definition of "Body Armor" see Section 33F-1 of this Code. For a definition of "Dangerous Weapon" see Section 33A-1 of this Code.

CHARGING NOTE: A second or subsequent offense is a Class 4 felony. The charging instrument must state prior conviction. See Appendix A.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: Created - P.A. 87-521 (January 1, 1992). Amended by Public Act 93-906.

CHARGE: Misdemeanor (Class A)

BOND: \$1,500

720 ILCS 5/ 33G-4(a)(1)

UNLAWFUL PARTICIPATION IN A CRIMINAL ENTERPRISE

In violation of SECTION 33G-4(a)(1) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), intentionally participated¹ in the operation² or an enterprise, to wit: (describe the enterprise) through¹ a knowing pattern of predicate activity, to wit: (describe the predicate activity).

¹either directly or indirectly; ²management; ²or while committing such offense; ³or any other criminal offense

CHARGING NOTE: This subsection can also be violated when the defendant: (2) knowingly causes another to violate this Article; (33G-4(a)(2)) or (3) knowingly conspires to violate this Article. (33G-4(a)(3))

DEFINITIONS: "Enterprise" includes: (1) any partnership, corporation, association, business or charitable trust, or other legal entity; and (2) any group of individuals or other legal entities, or any combination thereof, associated in fact although not itself a legal entity. An association in fact must be held together by a common purpose of engaging in a course of conduct, and it may be associated together for purposes that are both legal and illegal. An association in fact must: (A) have an ongoing organization or structure, either formal or informal; (B) the various members of the group must function as a continuing unit, even if the group changes membership by gaining or losing members over time; and (C) have an ascertainable structure distinct from that inherent in the conduct of a pattern of predicate activity. As used in this Article, "enterprise" includes licit and illicit enterprises. "Predicate activity" means any act that is a Class 2 felony or higher and constitutes a violation or violations of any of the following provisions of the laws of the State of Illinois (as amended or revised as of the date the activity occurred or, in the instance of a continuing offense, the date that charges under this Article are filed in a particular matter in the State of Illinois) or any act under the law of another jurisdiction for an offense that could be charged as a Class 2 felony or higher in this State: **(1)** under the Criminal Code of 1961: 8-1.2(solicitation of murder for hire), 9-1 (first degree murder), 9-3.3 (drug-induced homicide), 10-1 (kidnapping), 10-2 (aggravated kidnapping), 10-3.1 (aggravated unlawful restraint), 10-4 (forcible detention), 10-5(b)(10) (child abduction), 10-9 (trafficking in persons, involuntary servitude, and related offenses), 11-1.20 (criminal sexual assault), 11-1.30 (aggravated criminal sexual assault), 11-1.40 (predatory criminal sexual assault of a child), 11-1.60 (aggravated criminal sexual abuse), 11-6 (indecent solicitation of a child), 11-6.5 (indecent solicitation of an adult), 11-14.3(a)(2)(A) and (a)(2)(B) (promoting prostitution), 11-14.4 (promoting juvenile prostitution), 11-18.1 (patronizing a minor engaged in prostitution; patronizing a juvenile prostitute), 12-3.05 (aggravated battery), 12-6.4 (criminal street gang recruitment), 12-6.5 (compelling organization membership of persons), 12-7.3 (stalking), 12-7.4 (aggravated stalking), 12-7.5 (cyberstalking), 12-11 (home invasion), 12-11.1 (vehicular invasion), 18-1 (robbery), 18-2 (armed robbery), 18-3 (vehicular hijacking), 18-4 (aggravated vehicular hijacking), 18-5 (aggravated robbery), 19-1 (burglary), 19-3 (residential burglary), 20-1 (arson), 20-1.1 (aggravated arson), 20-1.2 (residential arson), 20-1.3 (place of worship arson), 24-1.2 (aggravated discharge of a firearm), 24-1.2-5 (aggravated discharge of a machine gun or silencer equipped firearm), 24-1.8 (unlawful possession of a firearm by a street gang member), 24-3.2 (unlawful discharge of firearm projectiles), 24-3.9 (aggravated possession of a stolen firearm), 24-3A (gunrunning), 26-5 (dog-fighting), 29D-14.9 (terrorism), 29D-15 (soliciting support for terrorism), 29D-15.1 (causing a catastrophe), 29D-15.2 (possession of a deadly substance), 29D-20 (making a terrorist threat), 29D-25 (falsely making a terrorist threat), 29D-29.9 (material support for terrorism), 29D-35 (hindering prosecution of terrorism), 31A-1.2 (unauthorized contraband in a penal institution), or 33A-3 (armed violence); **(2)** under the Cannabis Control Act: Sections 5 (manufacture or delivery of cannabis), 5.1 (cannabis trafficking), or 8 (production or possession of cannabis plants), provided the offense either involves more than 500 grams of any substance containing cannabis or involves more than 50 cannabis sativa plants; **(3)** under the Illinois Controlled Substances Act: Sections 401 (manufacture or delivery of a controlled substance), 401.1 (controlled substance trafficking), 405 (calculated criminal drug conspiracy), or 405.2 (street gang criminal drug conspiracy); or Sections 401 (manufacture or delivery of a controlled substance), 401.1 (controlled substance trafficking), 405 (calculated criminal drug conspiracy), or 405.2 (street gang criminal drug conspiracy) **(4)** under the Methamphetamine Control and Community Protection Act: Sections 15 (methamphetamine manufacturing), or 55 (methamphetamine delivery). "Pattern of predicate activity" means: **(1)** at least 3 occurrences of predicate activity that are in some way related to each other and that have

continuity between them, and that are separate acts. Acts are related to each other if they are not isolated events, including if they have similar purposes, or results, or participants, or victims, or are committed a similar way, or have other similar distinguishing characteristics, or are part of the affairs of the same enterprise. There is continuity between acts if they are ongoing over a substantial period, or if they are part of the regular way some entity does business or conducts its affairs; and **(2)** which occurs after the effective date of this Article, and the last of which falls within 3 years (excluding any period of imprisonment) after the first occurrence of predicate activity.

CHARGING AND SENTENCING NOTES: **(a)** Any violation of subsection (a) of Section 33G-4 of this Article shall be sentenced as a Class X felony with a term of imprisonment of not less than 7 years and not more than 30 years, or the sentence applicable to the underlying predicate activity, whichever is higher, and the sentence imposed shall also include restitution, and or a criminal fine, jointly and severally, up to \$250,000 or twice the gross amount of any intended proceeds of the violation, if any, whichever is higher. **(b)** Any violation of subsection (b) of Section 33G-4 of this Article shall be sentenced as a Class X felony, and the sentence imposed shall also include restitution, and or a criminal fine, jointly and severally, up to \$250,000 or twice the gross amount of any intended proceeds of the violation, if any, whichever is higher. **(c)** Wherever the unlawful death of any person or persons results as a necessary or natural consequence of any violation of this Article, the sentence imposed on the defendant shall include an enhanced term of imprisonment of at least 25 years up to natural life, in addition to any other penalty imposed by the court, provided: (1) the death or deaths were reasonably foreseeable to the defendant to be sentenced; and (2) the death or deaths occurred when the defendant was otherwise engaged in the violation of this Article as a whole.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: Created - P.A. 97-686 (eff: 6-11-12).

CHARGE: Felony (Class X)

BOND: Must be set by Judge

720 ILCS 5/ 33G-4(b)

UNLAWFUL ACQUISITION¹ IN AN ENTERPRISE

In violation of SECTION 33G-4(b) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), knowingly acquired^{2&3}, through a pattern of predicate activity, to wit: (describe the predicate activity) control of⁴ an enterprise⁵, to wit: (describe the enterprise, real or personal property or money).

¹or maintenance; ²or maintained; ³either directly or indirectly; ⁴or interest in to any degree; ⁵or any real property or personal property of any character, including money

CHARGING NOTE: This subsection can also be violated when the defendant: (2) knowingly causes another to violate this Article; (33G-4(a)(2)) or (3) knowingly conspires to violate this Article. (33G-4(a)(3))

DEFINITIONS: "**Enterprise**" includes: (1) any partnership, corporation, association, business or charitable trust, or other legal entity; and (2) any group of individuals or other legal entities, or any combination thereof, associated in fact although not itself a legal entity. An association in fact must be held together by a common purpose of engaging in a course of conduct, and it may be associated together for purposes that are both legal and illegal. An association in fact must: (A) have an ongoing organization or structure, either formal or informal; (B) the various members of the group must function as a continuing unit, even if the group changes membership by gaining or losing members over time; and (C) have an ascertainable structure distinct from that inherent in the conduct of a pattern of predicate activity. As used in this Article, "enterprise" includes licit and illicit enterprises. "**Predicate activity**" means any act that is a Class 2 felony or higher and constitutes a violation or violations of any of the following provisions of the laws of the State of Illinois (as amended or revised as of the date the activity occurred or, in the instance of a continuing offense, the date that charges under this Article are filed in a particular matter in the State of Illinois) or any act under the law of another jurisdiction for an offense that could be charged as a Class 2 felony or higher in this State: **(1)** under the Criminal Code of 1961: 8-1.2(solicitation of murder for hire), 9-1 (first degree murder), 9-3.3 (drug-induced homicide), 10-1 (kidnapping), 10-2 (aggravated kidnapping), 10-3.1 (aggravated unlawful restraint), 10-4 (forcible detention), 10-5(b)(10) (child abduction), 10-9 (trafficking in persons, involuntary servitude, and related offenses), 11-1.20 (criminal sexual assault), 11-1.30 (aggravated criminal sexual assault), 11-1.40 (predatory criminal sexual assault of a child), 11-1.60 (aggravated criminal sexual abuse), 11-6 (indecent solicitation of a child), 11-6.5 (indecent solicitation of an adult), 11-14.3(a)(2)(A) and (a)(2)(B) (promoting prostitution), 11-14.4 (promoting juvenile prostitution), 11-18.1 (patronizing a minor engaged in prostitution; patronizing a juvenile prostitute), 12-3.05 (aggravated battery), 12-6.4 (criminal street gang recruitment), 12-6.5 (compelling organization membership of persons), 12-7.3 (stalking), 12-7.4 (aggravated stalking), 12-7.5 (cyberstalking), 12-11 (home invasion), 12-11.1 (vehicular invasion), 18-1 (robbery), 18-2 (armed robbery), 18-3 (vehicular hijacking), 18-4 (aggravated vehicular hijacking), 18-5 (aggravated robbery), 19-1 (burglary), 19-3 (residential burglary), 20-1 (arson), 20-1.1 (aggravated arson), 20-1.2 (residential arson), 20-1.3 (place of worship arson), 24-1.2 (aggravated discharge of a firearm), 24-1.2-5 (aggravated discharge of a machine gun or silencer equipped firearm), 24-1.8 (unlawful possession of a firearm by a street gang member), 24-3.2 (unlawful discharge of firearm projectiles), 24-3.9 (aggravated possession of a stolen firearm), 24-3A (gunrunning), 26-5 (dog-fighting), 29D-14.9 (terrorism), 29D-15 (soliciting support for terrorism), 29D-15.1 (causing a catastrophe), 29D-15.2 (possession of a deadly substance), 29D-20 (making a terrorist threat), 29D-25 (falsely making a terrorist threat), 29D-29.9 (material support for terrorism), 29D-35 (hindering prosecution of terrorism), 31A-1.2 (unauthorized contraband in a penal institution), or 33A-3 (armed violence); **(2)** under the Cannabis Control Act: Sections 5 (manufacture or delivery of cannabis), 5.1 (cannabis trafficking), or 8 (production or possession of cannabis plants), provided the offense either involves more than 500 grams of any substance containing cannabis or involves more than 50 cannabis sativa plants; **(3)** under the Illinois Controlled Substances Act: Sections 401 (manufacture or delivery of a controlled substance), 401.1 (controlled substance trafficking), 405 (calculated criminal drug conspiracy), or 405.2 (street gang criminal drug conspiracy); or Sections 401 (manufacture or delivery of a controlled substance), 401.1 (controlled substance trafficking), 405 (calculated

criminal drug conspiracy), or 405.2 (street gang criminal drug conspiracy) **(4)** under the Methamphetamine Control and Community Protection Act: Sections 15 (methamphetamine manufacturing), or 55 (methamphetamine delivery). "***Pattern of predicate activity***" means: **(1)** at least 3 occurrences of predicate activity that are in some way related to each other and that have continuity between them, and that are separate acts. Acts are related to each other if they are not isolated events, including if they have similar purposes, or results, or participants, or victims, or are committed a similar way, or have other similar distinguishing characteristics, or are part of the affairs of the same enterprise. There is continuity between acts if they are ongoing over a substantial period, or if they are part of the regular way some entity does business or conducts its affairs; and **(2)** which occurs after the effective date of this Article, and the last of which falls within 3 years (excluding any period of imprisonment) after the first occurrence of predicate activity.

CHARGING AND SENTENCING NOTES: **(a)** Any violation of subsection (a) of Section 33G-4 of this Article shall be sentenced as a Class X felony with a term of imprisonment of not less than 7 years and not more than 30 years, or the sentence applicable to the underlying predicate activity, whichever is higher, and the sentence imposed shall also include restitution, and or a criminal fine, jointly and severally, up to \$250,000 or twice the gross amount of any intended proceeds of the violation, if any, whichever is higher. **(b)** Any violation of subsection (b) of Section 33G-4 of this Article shall be sentenced as a Class X felony, and the sentence imposed shall also include restitution, and or a criminal fine, jointly and severally, up to \$250,000 or twice the gross amount of any intended proceeds of the violation, if any, whichever is higher. **(c)** Wherever the unlawful death of any person or persons results as a necessary or natural consequence of any violation of this Article, the sentence imposed on the defendant shall include an enhanced term of imprisonment of at least 25 years up to natural life, in addition to any other penalty imposed by the court, provided: (1) the death or deaths were reasonably foreseeable to the defendant to be sentenced; and (2) the death or deaths occurred when the defendant was otherwise engaged in the violation of this Article as a whole.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: Created - P.A. 97-686 (eff: 6-11-12).

CHARGE: Felony (Class X)

BOND: Must be set by Judge

720 ILCS 5/ 48-1(a)

DOG FIGHTING

In violation of SECTION 48-1(a) of ACT 5 of CHAPTER 720 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), knowingly¹ conducted,² for the purposes of wagering³ a show⁴ involving a fight between two⁵ dogs.⁶

¹or intentionally or recklessly; ²or promoted, carried on, advertised, collected money for, or in any other manner assisted or aided in the presentation of; ³or sport or ; entertainment; ⁴or an exhibition, a program or any other activity; ⁵or more
⁶or between a dog and a human or the intentional killing of any dog

NOTE: The following are alternative methods of violating this offense: **(a)** No person may own, capture, breed, train, or lease any dog which he or she knows is intended for use in any show, exhibition, program, or other activity featuring or otherwise involving a fight between the dog and any other animal or human, or the intentional killing of any dog for the purpose of sport, wagering, or entertainment. **(c)** No person may sell or offer for sale, ship, transport, or otherwise move, or deliver or receive any dog which he or she knows has been captured, bred, or trained, or will be used, to fight another dog or be intentionally killed for purposes of sport, wagering, or entertainment. **(d)** No person may manufacture for sale, shipment, transportation, or delivery any device or equipment which he or she knows or should know is intended for use in any show, exhibition, program, or other activity featuring or otherwise involving a fight between 2 or more dogs, or any human and dog, or the intentional killing of any dog for purposes of sport, wagering, or entertainment. **(e)** No person may own, possess, sell or offer for sale, ship, transport, or otherwise move any equipment or device which he or she knows or should know is intended for use in connection with any show, exhibition, program, or activity featuring or otherwise involving a fight between 2 or more dogs, or any dog and human, or the intentional killing of any dog for purposes of sport, wagering or entertainment. **(f)** No person may knowingly make available any site, structure, or facility, whether enclosed or not, that he or she knows is intended to be used for the purpose of conducting any show, exhibition, program, or other activity involving a fight between 2 or more dogs, or any dog and human, or the intentional killing of any dog or knowingly manufacture, distribute, or delivery fittings to be used in a fight between 2 or more dogs or a dog and human. **(g)** No person may attend or otherwise patronize any show, exhibition, program, or other activity featuring or otherwise involving a fight between 2 or more dogs, or any dog and human, or the intentional killing of any dog for purposes of sport, wagering, or entertainment. **(h)** No person may tie or attach or fasten any live animal to any machine or device propelled by any power for the purpose of causing the animal to be pursued by a dog or dogs. This subsection (h) applies only when the dog is intended to be used in a dog fight. See the Sentencing Guide.

CHARGING AND SENTENCING NOTE: Penalties for violations of this Section shall be as follows: (1) Any person convicted of violating subsection (a), (b) or (c) of this Section is guilty of a Class 4 felony for a first violation and a Class 3 felony for a second or subsequent violation, and may be fined an amount not to exceed \$50,000. (1.5) A person who knowingly owns a dog for fighting purposes or for producing a fight between 2 or more dogs or a dog and human or who knowingly offers for sale or sells a dog bred for fighting is guilty of a Class 3 felony and may be fined an amount not to exceed \$50,000, if the dog participates in a dogfight and any of the following factors is present: (i) the dogfight is performed in the presence of a person under 18 years of age; (ii) the dogfight is performed for the purpose of or in the presence of illegal wagering activity; or (iii) the dogfight is performed in furtherance of streetgang related activity as defined in Section 10 of the Illinois Streetgang Terrorism Omnibus Prevention Act. (1.7) A person convicted of violating subsection (c-5) of this Section is guilty of a Class 4 felony. (2) Any person convicted of violating subsection (d) or (e) of this Section is guilty of Class A misdemeanor for a first violation. A second or subsequent violation of subsection (d) or (e) of this Section is a Class 3 felony. (2.5) Any person convicted of violating subsection (f) of this

Section is guilty of a Class 4 felony. Any person convicted of violating subsection (f) of this Section in which the site, structure, or facility made available to violate subsection (f) is located within 2,000 feet of a school, public park, playground, child care institution, day care center, part day child care facility, day care home, group day care home, or a facility providing programs or services exclusively directed toward persons under 18 years of age is guilty of a Class 3 felony for a first violation and a Class 2 felony for a second or subsequent violation. (3) Any person convicted of violating subsection (g) of this Section is guilty of a Class A misdemeanor for a first violation. A second or subsequent violation of subsection (g) of this Section is a Class 4 felony. If a person under 13 years of age is present at any show, exhibition, program, or other activity prohibited in subsection (g), the parent, legal guardian, or other person who is 18 years of age or older who brings that person under 13 years of age to that show, exhibition, program, or other activity is guilty of a Class 4 felony for a first violation and a Class 3 felony for a second or subsequent violation. The charging instrument must state prior conviction for any of the above offenses. See Appendix A and the Sentencing Guide.

IMPORTANT: For sentencing and alternative charging information see the Sentencing Guide.

Legislative History: Created by P.A. 92-425 (Eff: 1-1-02). Amended: P. A. 94-820 and by Public Act: 96-1091 (Effective: 1/1/11).

CHARGE: Felony (Class 4)

BOND: Must be Set by Judge

Intentionally Blank