

## **720 ILCS 5/ 28-1(a)(1)**

### GAMBLING

In violation of SECTION 28-1(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), knowingly played Keno, a game of chance,<sup>1</sup> for money.<sup>2</sup>

<sup>1</sup>or skill; <sup>2</sup>or other thing of value

**CHARGING NOTE:** This Section does not apply to (1) Agreements to compensate for loss caused by the happening of chance including without limitation contracts of indemnity or guaranty and life or health or accident insurance. (2) Offers of prizes, award or compensation to the actual contestants in any bona fide contest for the determination of skill, speed, strength or endurance or to the owners of animals or vehicles entered in such contest. (3) Pari-mutuel betting as authorized by the law of this State. (4) Manufacture of gambling devices, including the acquisition of essential parts therefore and the assembly thereof, for transportation in interstate or foreign commerce to any place outside this State when such transportation is not prohibited by any applicable Federal law; or the manufacture, distribution, or possession of video gaming terminals, as defined in the Video Gaming Act, by manufacturers, distributors, and terminal operators licensed to do so under the Video Gaming Act. (5) The game commonly known as "bingo", when conducted in accordance with the Bingo License and Tax Act. (6) Lotteries when conducted by the State of Illinois in accordance with the Illinois Lottery Law. This exemption includes any activity conducted by the Department of Revenue to sell lottery tickets pursuant to the provisions of the Illinois Lottery Law and its rules. (6.1) The purchase of lottery tickets through the Internet for a lottery conducted by the State of Illinois under the program established in Section 7.12 of the Illinois Lottery Law. (7) Possession of an antique slot machine that is neither used nor intended to be used in the operation or promotion of any unlawful gambling activity or enterprise. For the purpose of this subparagraph (b)(7), an antique slot machine is one manufactured 25 years ago or earlier. (8) Raffles when conducted in accordance with the Raffles Act. (9) Charitable games when conducted in accordance with the Charitable Games Act. (10) Pull tabs and jar games when conducted under the Illinois Pull Tabs and Jar Games Act. (11) Gambling games conducted on riverboats when authorized by the Riverboat Gambling Act. (12) Video gaming terminal games at a licensed establishment, licensed truck stop establishment, licensed fraternal establishment, or licensed veterans' establishment when conducted in accordance with the Video Gaming Act. (13) Games of skill or chance where money or other things of value can be won but no payment or purchase is required to participate. (14) Savings promotion raffles authorized under Section 5g of the Illinois Banking Act, Section 7008 of the Savings Bank Act, Section 42.7 of the Illinois Credit Union Act, Section 5136B of the National Bank Act (12 U.S.C. 25a), or Section 4 of the Home Owners' Loan Act (12 U.S.C. 1463). (720 ILCS 5/ 28-1(b))

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

**Legislative History:** Codified - Laws 1961, p.1983 (January 1, 1962); Amended - Laws 1963, p.1412; Laws 1963, p.2167; Laws 1965, p.385; Laws 1965, p.407; Laws 1967, p.2817; Laws 1967, p.2822; Laws 1967, p.2977; Laws 1968, p.101; P.A.s 77-331, 77-2638, 78-255, 78-20, 78-1297, 80-1450, 81-1365, 84-601, 84-1303, 84-1407, 84-1438, 85-1012, 91-257, 96-34, 96-37, 96-1203, 96-1203 and amended and re-numbered by Public Act 97-1108; Eff: 1-1-13.

This subsection was amended by Public Act 99-0149. Effective: 1-1-16.

**CHARGE:** Misdemeanor (Class A)

**BOND:** \$1,500

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**720 ILCS 5/ 28-1(a)(2)**

GAMBLING

In violation of SECTION 28-1(a)(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 made a wager, \$50 United States currency, upon the result of the 2008 Presidential election.<sup>1</sup>

<sup>1</sup>or made a wager upon any game, contest, or political nomination, appointment or election

**EXEMPTIONS:** For a list of activities that do not constitute gambling, see Subsection 28-1(a)(1) of this document.

**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:** Misdemeanor (Class A)

**BOND:** \$1,500

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**720 ILCS 5/ 28-1(a)(3)**

GAMBLING

In violation of SECTION 28-1(a)(3) 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 operated<sup>1</sup> a gambling device, a roulette wheel.

<sup>1</sup>or kept, owned, used, purchased, exhibited, rented, sold, bargained for the sale or lease of, manufactured or distributed any gambling device

**DEFINITION:** A "gambling device" is any clock, tape machine, slot machine or other machines or device for the reception of money or other thing of value on chance or skill or upon the action of which money or other thing of value is staked, hazarded, bet, won or lost; or any mechanism, furniture, fixture, equipment or other device designed primarily for use in a gambling place.

**CASE SUPPORT:** Information charging the defendant with gambling offenses was adequate where charges set forth the defendant's name, the name of the offense, the approximate date of the offense, the county in which the offense occurred, that the defendant knowingly kept gambling devices, and listed the names of the machines alleged to be gambling devices. People v. Whitamore (4th Dist., 1993), 241 Ill. App. 3d 519.

**EXEMPTIONS:** For a list of activities that do not constitute gambling, see Subsection 28-1(a)(1) of this document.

**CHARGING AND SENTENCING NOTE:** A second or subsequent offense 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.

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

**CHARGE:** Misdemeanor (Class A)

**BOND:** \$1,500

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## **720 ILCS 5/ 28-1(a)(5)**

### GAMBLING

In violation of SECTION 28-1(a)(5) 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 possessed \$2,000<sup>1</sup> United States currency, which he had received in the course of a bet.<sup>2</sup>

<sup>1</sup>any amount; <sup>2</sup>or wager

**NOTE:** See preceding complaint for alternative charge.

**EXEMPTIONS:** For a list of activities that do not constitute gambling, see Subsection 28-1(a)(1) of this document.

**CHARGING AND SENTENCING NOTE:** A second or subsequent conviction 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. This complaint was last amended and re-numbered by Public Act 97-1108; Eff: 1-1-13.

**CHARGE:** Misdemeanor (Class A)

**BOND:** \$1,500

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**720 ILCS 5/ 28-1(a)(5)**

GAMBLING

In violation of SECTION 28-1(a)(5) 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 possessed<sup>1</sup> a book<sup>2</sup> by means of which bets<sup>3</sup> have been<sup>4</sup> recorded.<sup>5</sup>

<sup>1</sup>or owned; <sup>2</sup>or instrument or apparatus; <sup>3</sup>or wagers; <sup>4</sup>or are; <sup>5</sup>or registered

**NOTE:** See following complaint for alternative charge.

**EXEMPTIONS:** For a list of activities that do not constitute gambling, see Subsection 28-1(a)(1) of this document.

**CHARGING AND SENTENCING NOTE:** A second or subsequent offense is a Class 4 felony. The charging instrument must state prior conviction. See Sentencing Guide for discussion.

**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:** Misdemeanor (Class A)

**BOND:** \$1,500

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**720 ILCS 5/ 28-1(a)(6)**

GAMBLING

In violation of SECTION 28-1(a)(6) 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 sold pools upon the result of the 2008 Presidential election<sup>1</sup> to Don Smith.

<sup>1</sup>or any contest of skill or chance, political nomination, appointment or election

**EXEMPTIONS:** For a list of activities that do not constitute gambling, see Subsection 28-1(a)(1) of this document.

**CHARGING AND SENTENCING NOTE:** A second or subsequent offense 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.

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

**CHARGE:** Misdemeanor (Class A)

**BOND:** \$1,500

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**720 ILCS 5/ 28-1(a)(7)**

GAMBLING

In violation of SECTION 28-1(a)(7) 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 sold<sup>1</sup> tickets for a lottery to Don Smith.

<sup>1</sup>or sat up or promoted any lottery, or offered to sell or transfer any ticket or share for any lottery

**EXEMPTIONS:** For a list of activities that do not constitute gambling, see Subsection 28-1(a)(1) of this document.

**CHARGING AND SENTENCING NOTE:** A second or subsequent offense 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.

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

**CHARGE:** Misdemeanor (Class A)

**BOND:** \$1,500

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**720 ILCS 5/ 28-1(a)(8)**

GAMBLING

In violation of SECTION 28-1(a)(8) 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 sold<sup>1</sup> policy tickets to Don Smith.

<sup>1</sup>or sets up or promotes any policy game, or offers to sell or knowingly possesses or transfers any policy ticket, slip, record, document or other device

**EXEMPTIONS:** For a list of activities that do not constitute gambling, see Subsection 28-1(a)(1) of this document.

**CHARGING AND SENTENCING NOTE:** A second or subsequent offense 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.

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

**CHARGE:** Misdemeanor (Class A)

**BOND:** \$1,500

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## **720 ILCS 5/ 28-1(a)(9)**

### GAMBLING

In violation of SECTION 28-1(a)(9) 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 printed<sup>1</sup> lottery tickets.<sup>2</sup>

<sup>1</sup>or drafted or published; <sup>2</sup>or share or any policy ticket, slip, record, document or similar device

**EXEMPTION:** For a list of activities that do not constitute gambling, see Subsection 28-1(a)(1) of this document.

**CHARGING AND SENTENCING NOTE:** A second or subsequent offense 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.

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

**CHARGE:** Misdemeanor (Class A)

**BOND:** \$1,500

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## **720 ILCS 5/ 28-1(a)(10)**

### GAMBLING

In violation of SECTION 28-1(a)(10) 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 advertised a lottery.<sup>1</sup>

<sup>1</sup>or policy game

**EXEMPTIONS:** For a list of activities that do not constitute gambling, see Subsection 28-1(a)(1) of this document.

**CHARGING AND SENTENCING NOTE:** A second or subsequent offense 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.

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

**CHARGE:** Misdemeanor (Class A)

**BOND:** \$1,500

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## **720 ILCS 5/ 28-1(a)(11)**

### GAMBLING

In violation of SECTION 28-1(a)(11) 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 transmitted information as to wagers<sup>1</sup> by telephone.<sup>2</sup>

<sup>1</sup>betting odds, or changes in betting odds; <sup>2</sup>or telegraph, radio, semaphore or similar means

**NOTE:** See following complaint for alternative charge.

**EXEMPTIONS:** For a list of activities that do not constitute gambling, see Subsection 28-1(a)(1) of this document.

**CHARGING AND SENTENCING NOTE:** A second or subsequent offense 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.

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

**CHARGE:** Misdemeanor (Class A)

**BOND:** \$1,500

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**720 ILCS 5/ 28-1(a)(12)**

GAMBLING

In violation of SECTION 28-1(a)(12) 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 operated<sup>1</sup> an internet site that permitted Sam Smith to make a wager<sup>2</sup> upon the result of the University of Illinois football game<sup>3</sup> played on November 1, 2008 by means of that Internet site.

<sup>1</sup>or established or maintained; <sup>2</sup>or to play a game of chance or skill for money or other thing of value; <sup>3</sup>or upon the result of any game, contest, political nomination, appointment or election

**EXEMPTIONS:** For a list of activities that do not constitute gambling, see Subsection 28-1(a)(1) of this document.

**CHARGING AND SENTENCING NOTE:** A second or subsequent conviction under 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.

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

**CHARGE:** Misdemeanor (Class A)

**BOND:** \$1,500

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**720 ILCS 5/ 28-1.1(b)**

SYNDICATED GAMBLING

In violation of SECTION 28-1.1(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), operated a policy game, in that he knowingly used the premises located at 777 May Street, Union City, Union County, Illinois, for the purpose of receiving<sup>1</sup> money from Don Smith, a person other than the bettor,<sup>2</sup> whose bets are represented by such money.

<sup>1</sup>or knowingly does receive; <sup>2</sup>or player



**NOTE:** Policy Game defined in 720 ILCS 5/28-2(c).

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

**Legislative History:** Created - Laws 1965, p.388 (July 1, 1965); Amended - P.A.s 77-2638, 81-1365 and 96-34.

**CHARGE:** Felony (Class 3)

**BOND:** Must be Set by Judge

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### **720 ILCS 5/ 28-1.1(b)**

#### SYNDICATED GAMBLING

In violation of SECTION 28-1.1(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), operated a policy game, in that he knowingly used the premises located at 777 May Street, Union City, Union County, Illinois, for the purpose of receiving<sup>1</sup> written policy game records, made over a period of time from May 24, 2008, to May 31, 2008, from Don Smith, a person other than the bettor,<sup>2</sup> whose bets are represented by such written record.

<sup>1</sup>or knowingly did receive; <sup>2</sup>or player

**NOTE:** Policy Game defined in 720 ILCS 5/28-2.

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

**CHARGE:** Felony (Class 3)

**BOND:** Must be Set by Judge

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### **720 ILCS 5/ 28-1.1(b)**

#### SYNDICATED GAMBLING

In violation of SECTION 28-1.1(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), knowingly<sup>1</sup> engaged in the business of bookmaking, in that he received<sup>2</sup> more than five bets<sup>3</sup> upon the results of the 2012 National Hockey League championship,<sup>4</sup> and the total amount of money promised to be paid<sup>5</sup> to him as a result of such bets was in excess of \$2,000 United States currency.

<sup>1</sup>or intentionally or recklessly; <sup>2</sup>or accepted; <sup>3</sup>or wagers; <sup>4</sup>or any trial, contest of skill, speed or power of endurance or upon any lots, change, casualty, unknown or contingent event whatsoever; <sup>5</sup>or paid

**NOTE:** Bookmaking defined in 720 ILCS 5/28-1.1(d).

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

**CHARGE:** Felony (Class 3)

**BOND:** Must be Set by Judge

**720 ILCS 5/ 28-3**

KEEPING A GAMBLING PLACE

In violation of SECTION 28-3 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 permitted the premises<sup>1</sup> located at 777 May Street, Union City, Union County, Illinois, and owned by him,<sup>2</sup> to be used as a gambling place.

<sup>1</sup>any real estate, vehicle, boat or any other property whatsoever; <sup>2</sup>or occupied by him or under his control

**NOTE:** Such premises are a public nuisance and may be proceeded against as such.

**CHARGING NOTE:** A second or subsequent offense 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:** Codified - Laws 1961, p.1983 (January 1, 1962); Amended - Laws 1967, p.3513; P.A.s 77-2638, 79-1360 and 96-34.

**CHARGE:** Misdemeanor (Class A)

**BOND:** \$1,500

**720 ILCS 5/ 28-4(a)**

FAILURE TO REGISTER FEDERAL GAMBLING STAMP

In violation of SECTION 28-4(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), having purchased a Federal Wagering Occupational Tax Stamp, as required by the United States under the applicable provisions of the Internal Revenue Code, 26 U.S.C.A. 4411 et. seq. and being a resident<sup>1</sup> of Union County, Illinois, knowingly<sup>2</sup> failed to register forthwith such stamp with the Union County Clerk's Office.

<sup>1</sup>stamp must be filed in County Clerk's Office in which defendant resides and in every county in which he conducts his business; <sup>2</sup>or intentionally or recklessly

**CHARGING NOTE:** A second or subsequent offense is a Class A misdemeanor. 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:** Codified - Laws 1961, p.1983 (January 1, 1962); Amended - Laws 1965, p.389; Laws 1965, p.2198; Laws 1967, p.3800; P.A. 77-2638.

**CHARGE:** Misdemeanor (Class B)

**BOND:** \$1,500

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**720 ILCS 5/ 29-1(a)**

UNLAWFULLY OFFERING A BRIBE

In violation of SECTION 29-1(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 Don Smith, a baseball player for the University of Union City, a participant<sup>1</sup> in a baseball game between the University of Union City and Western University on June 1, 2012, offered<sup>2</sup> \$1,000 United States currency to induce Don Smith<sup>1</sup> not to use his best efforts in connection with such sporting event.

<sup>1</sup>any person participating in, officiating or connected with any professional or amateur athletic contest, sporting event or exhibition; <sup>2</sup>or gave or promised any money, bribe or other thing of value or 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 and 85-665.

**CHARGE:** Felony (Class 4)

**BOND:** Must be Set by Judge

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**720 ILCS 5/ 29-1(b)**

UNLAWFULLY OFFERING A BRIBE

In violation of SECTION 29-1(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 decision of Don Smith,<sup>1</sup> offered<sup>2</sup> Ten Thousand Dollars, United States Currency,<sup>3</sup> to Don Smith in order to induce Don Smith to attend<sup>4</sup> Union City University, a public institution of higher education<sup>5</sup> for the purpose of participating<sup>6</sup> in interscholastic athletic competition for Union City University.

<sup>1</sup>or any person; <sup>2</sup>or promised; <sup>3</sup>or any money, bribe or other thing of value or advantage; <sup>4</sup>or to refrain from attending or to continue to attend; <sup>5</sup>or any public or private institution of secondary or higher education; <sup>6</sup>or not participating

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

**CHARGE:** Misdemeanor (Class A)

**BOND:** \$1,500

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### **720 ILCS 5/ 29-1(c)**

#### UNLAWFULLY OFFERING A BRIBE

In violation of SECTION 29-1(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), knowingly<sup>1</sup> gave ten thousand dollars (\$10,000)<sup>2</sup> to Don Smith, an individual who participates in interscholastic competition at and was enrolled in the Union City University, an institution of higher education, and thereafter represented<sup>3</sup> Don Smith in negotiations for employment with the Union City Bombers, a professional football team.<sup>4</sup>

<sup>1</sup>or intentionally or recklessly; <sup>2</sup>or any money, goods or other thing of value; <sup>3</sup>or attempted to represent; <sup>4</sup>or any professional sports team

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

**CHARGE:** Misdemeanor (Class A)

**BOND:** \$1,500

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### **720 ILCS 5/ 29-2**

#### ACCEPTING A BRIBE

In violation of SECTION 29-2 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 baseball player for the University of Union City, a participant<sup>1</sup> in a baseball game between the University of Union City and Western University on June 1, 2012, accepted<sup>2</sup> \$1,000 United States currency with the agreement<sup>3</sup> that he would not use his best efforts in connection with such sporting event.

<sup>1</sup>any person participating in, officiating or connected with any professional or amateur athletic contest, sporting event or exhibition; <sup>2</sup>or agreed to accept any money, bribe or other thing of value or advantage; <sup>3</sup>or with the intent or understanding

**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

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**720 ILCS 5/ 29-3**

FAILURE TO REPORT OFFER OF A BRIBE

In violation of SECTION 29-3 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), a baseball player for the University of Union City, a participant<sup>1</sup> in a baseball game between the University of Union City and Western University on June 1, 2012, was offered a bribe by Don Smith, \$1,000 United States currency, not to use his best efforts in connection with such sporting event in violation of Section 29-1 of Act 5 of Chapter 720 of the Illinois Compiled Statutes, and he failed to report forthwith to the local State's Attorney<sup>2</sup> such bribe offer.

<sup>1</sup>any person participating, officiating or connected with any professional or amateur athletic contest, sporting event or exhibition; <sup>2</sup>or his employer, the promoter of such contest, event or exhibition or a peace officer

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

**Legislative History:** Codified - Laws 1961, p.1963 (January 1, 1962); Amended - P.A. 77-2638.

**CHARGE:** Misdemeanor (Class A)

**BOND:** \$1,500

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**720 ILCS 5/ 29B-1(1)(A)**

MONEY LAUNDERING

In violation of SECTION 29B-1(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), knowing that the property in a financial transaction with a value not exceeding \$10,000 represented the proceeds from an illegal drug sale<sup>1</sup> and was criminally derived property, conducted<sup>2</sup> such a financial transaction with the intent to promote the carrying on of that illegal drug sale<sup>1</sup> in that (describe the defendant's illegal conduct).

<sup>1</sup>or any form of unlawful activity from which the criminally derived property was obtained; <sup>2</sup>or attempted to conduct

**NOTE:** For a definition of "Financial transaction" & "Criminally derived property" see Appendix C.

**NOTE:** See Appendix B for information concerning felony offenses based upon value of criminally derived property.

**NOTE:** This offense may also be committed when a defendant knows or reasonably should know that the financial transaction was designed in whole or in part (I) to conceal or disguise the nature, the location, the source, the ownership or the control of the criminally derived property; or (ii) to avoid a transaction reporting requirement under State law.

**CAVEAT** - - This charging instrument must describe the defendant’s specific criminal conduct. People v. Fields, 339 Ill. App. 3d 689, 791 N. E. 2d 686, 274 Ill. Dec. 594 (2nd Dist., 2003)

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

**Legislative History:** Created - P.A. 85-675 (January 1, 1988); Amended - P.A. 86-1459, 94-364, 96-275, 96-710, 96-1000 and 96-1234.

**CHARGE:** Felony (Class 3)

**BOND:** Must be Set by Judge

**720 ILCS 5/ 29B-1(1.5)(A)**

MONEY LAUNDERING

In violation of **SECTION 29B-1(1.5)(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)**, transported<sup>1</sup> monetary instruments having a value not exceeding \$10,000, said instruments being criminally derived property, with the intent to promote the carrying on of the unlawful activity from which the criminally derived property was obtained in that the defendant (describe the defendant’s illegal conduct).

<sup>1</sup>or transmitted or transferred or attempted to transport, transmit or transfer

**NOTE:** For a definition of "financial transaction" and "criminally derived property" see Appendix C.

**NOTE:** See Appendix B for information concerning felony offenses based upon value of criminally derived property.

**NOTE:** This subsection may also be committed where the defendant knows or has reason to know, that the financial transaction was designed in whole or in part: (I) to conceal or disguise the nature, the location, the source, the ownership or the control of the criminally derived property or (ii) to avoid a transaction reporting requirement under State law.

**CAVEAT** - - This charging instrument must describe the defendant's specific criminal conduct. People v. Fields, 339 Ill. App. 3d 689, 791 N. E. 2d 686, 274 Ill. Dec. 594 (2nd Dist., 2003)

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

**CHARGE:** Felony (Class 3)

**BOND:** Must be Set by Judge

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## **720 ILCS 5/ 29B-1(2)(A)**

### MONEY LAUNDERING

In violation of SECTION 29B-1(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), with the intent to promote the carrying on of a specified criminal activity,<sup>1</sup> conducted<sup>2</sup> a financial transaction involving property that he believed was the proceeds of that specified criminal activity<sup>1</sup> in that the defendant (describe the defendant's illegal conduct and his specified criminal activity).

<sup>1</sup>or any specified criminal activity as defined in subsection (b)(6) of this Article; <sup>2</sup>or attempted to conduct

**NOTE:** The definition of "Financial transaction" is located in subsection (b)(1) of this section.

**NOTE:** "Criminally derived property" means (A) any property constituting or derived from proceeds obtained, directly or indirectly, pursuant to a violation of the Criminal Code of 1961, the Illinois Controlled Substances Act or the Cannabis Control Act; or (B) any property represented to be property constituting or derived from proceeds obtained, directly or indirectly, pursuant to a violation of this Code, the Illinois Controlled Substances Act, or the Cannabis Control Act.

**CHARGING NOTE:** (1) Laundering of criminally derived property of a value not exceeding \$10,000 is a Class 3 felony; (2) Laundering of criminally derived property of a value exceeding \$10,000 but not exceeding \$100,000 is a Class 2 felony; (3) Laundering of criminally derived property of value exceeding \$100,000 but not exceeding \$500,000 is a Class 1 felony; (4) Money laundering in violation of subsection (a)(2) of this Section is a Class X felony; (5) Laundering of criminally derived property of a value exceeding \$500,000 is a Class 1 non-probationable felony. See the Sentencing Guide.

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

**CAVEAT** - - This charging instrument must describe the defendant's specific criminal conduct. People v. Fields, 339 Ill. App. 3d 689, 791 N. E. 2d 686, 274 Ill. Dec. 594 (2nd Dist., 2003)

**CHARGE:** Felony (Class 3)

**BOND:** Must be Set by Judge

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## **720 ILCS 5/ 29D-15.1**

### CAUSING A CATASTROPHE

In violation of SECTION 29D-15.1 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), knowingly caused a catastrophe when he, by means of an explosion,<sup>1</sup> caused serious physical injury to 5 or more persons<sup>2</sup> in that (describe the details of the incident).

<sup>1</sup>or fire, flood, collapse of a building, release of poison, radioactive material, bacteria, virus, or other dangerous and difficult to confine force or substance; <sup>2</sup>or substantial damage to 5 or more buildings or inhabitable structures or substantial damage to a vital public facility that seriously impairs its usefulness or operation

**NOTE:** "Vital public facility" means a facility that is necessary to ensure or protect the public health, safety, or welfare, including but not limited to, a hospital, law enforcement agency, fire department, private or public utility company, national defense contractor, a facility of the armed forces, or emergency services agency.

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

**Legislative History:** This offense was recently amended by Public Act: 96-0710 (Effective: 1-1-10).

**CHARGE:** Felony (Class X)

**BOND:** Must be Set by Judge

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## **720 ILCS 5/ 29D-15.2**

### POSSESSION OF A DEADLY SUBSTANCE

In violation of SECTION 29D-15.2 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 possessed<sup>1</sup> a poisonous gas,<sup>2</sup> phosgene, with the intent to use such gas<sup>3</sup> to commit a felony,<sup>4</sup> (describe the intended felony).

<sup>1</sup>or manufactured or transported; <sup>2</sup>or any poisonous gas, deadly biological or chemical contaminant or agent, or radioactive substance; <sup>3</sup>or with the knowledge that another person intended to use such gas, biological or chemical contaminant or agent, or radioactive substance to commit a felony; <sup>4</sup>or any felony

**NOTE:** When possession is the essence of the offense, knowledge is the mental state that must be alleged. People v. Smith (1960), 20 Ill. 2d 345 and People v. Farmer (1995), 165 Ill. 2d 194.



**CHARGING AND SENTENCING NOTE:** A violation of this subsection is a Class 1 felony for which a person, if sentenced to a term of imprisonment, shall be sentenced to a term of not less than 4 years and not more than 30 years. See the Sentencing Guide.

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

**Legislative History:** Created by Public Act 91-121 (Eff: 7-15-99). Amended: 96-0710.

**CHARGE:** Felony (Class 1)

**BOND:** Must be Set by Judge

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## **720 ILCS 5/ 31-1**

### RESISTING A PEACE OFFICER<sup>1</sup>

In violation of SECTION 31-1 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 resisted the performance of Don Smith of an authorized act within his official capacity, being the arrest of James Brown, knowing Don Smith to be a peace officer<sup>1</sup> engaged in the execution of his official duties, in that he (specify the acts which constitute the resisting).

<sup>1</sup>or a correctional institution employee, or firefighter

**NOTE:** See following complaint for alternative charge under this Section.

**NOTE:** See Appendix C for a definition of "correctional institution employee."

**NOTE:** Complaint charging defendant with resisting a peace officer<sup>1</sup> need not specify particular physical acts upon which the complaint is based, since statute's general language so particularizes the offense that it sufficiently informs defendant of precise crime of which he or she is charged. People v. Lauer (1st Dist., 1995), 273 Ill. App. 3d 469.

**CHARGING NOTE:**A violation of this subsection which is the proximate cause of an injury to a peace officer<sup>1</sup> is guilty of a Class 4 felony. (720 ILCS 5/31-1(a-7)) See the Sentencing Guide.

**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, 87-1198, 92-841 and 95-0801.

**CHARGE:** Misdemeanor (Class A)

**BOND:** \$1,500

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## **720 ILCS 5/ 31-1**

### OBSTRUCTING A PEACE OFFICER<sup>1</sup>

In violation of SECTION 31-1 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 obstructed the performance of Don Smith of an authorized act within his official capacity, being the arrest of James Brown, knowing Don Smith to be a peace officer<sup>1</sup> engaged in the execution of his official duties, in that he pushed, shoved and kicked Don Smith, thereby blocking the officer's entry into the residence at 777 May Road, Union City, Union County, Illinois, where James Brown was, at that time, residing.<sup>2</sup>

<sup>1</sup>or a correctional institution employee, or firefighter; <sup>2</sup>specify the acts which constitute the obstructing

**NOTE:** See preceding complaint for alternative charge under this Section.

**NOTE:** For purposes of this Section, "correctional institution employee" means any person employed to supervise and control inmates incarcerated in a penitentiary, State farm, reformatory, prison, jail, house of correction, police detention area, half-way house, or other institution or place for the incarceration or custody of persons under sentence for offenses or awaiting trial or sentence for offenses, under arrest for an offense, a violation of probation, a violation of parole, or a violation of mandatory supervised release, or awaiting a bail setting hearing or preliminary hearing, or who are sexually dangerous persons or who are sexually violent persons.

**CHARGING NOTE:** A violation of this subsection which is the proximate cause of an injury to a peace officer is guilty of a Class 4 felony. 720 ILCS 5/31-1(a-7)) See the Sentencing Guide.

**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, 87-1198, 92-841 and 95-0801.

**CHARGE:** Misdemeanor (Class A)

**BOND:** \$1,500

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## **720 ILCS 5/ 31-1a(a)**

### DISARMING A PEACE OFFICER<sup>1</sup>

In violation of SECTION 31-1a(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), without the consent of the Don Smith, took a weapon from Don Smith,<sup>2</sup> a person known to the defendant to be a peace officer,<sup>1</sup> while Don Smith was engaged in the performance of his official duties.

<sup>1</sup>or a correctional institution employee as defined in subsection (b) of Section 31-1.; <sup>2</sup>or from the area within that person's immediate presence;

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

**Legislative History:** Created - P.A. 84-181 (August 23, 1985). Amended: 93-207 and 96-348.

**CHARGE:** Felony (Class 1)

**BOND:** Must be Set by Judge

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## **720 ILCS 5/ 31-1a(b)**

### DISARMING A PEACE OFFICER<sup>1</sup>

In violation of SECTION 31-1a(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), without the consent of the Don Smith, attempted to take a weapon from Don Smith,<sup>2</sup> a person known to the defendant to be a peace officer,<sup>1</sup> while Don Smith was engaged in the performance of his official duties.

<sup>1</sup>or a correctional employee as defined in subsection (b) of Section 31-1; <sup>2</sup>or from the area within that person's immediate presence.

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

**Legislative History:** Created - P.A. 84-181 (August 23, 1985). Amended: 93-207 and 96-348.

**CHARGE:** Felony (Class 2)

**BOND:** Must be Set by Judge

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## **720 ILCS 5/ 31-3**

### OBSTRUCTING SERVICE OF PROCESS

In violation of SECTION 31-3 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 resisted<sup>1</sup> the authorized service<sup>2</sup> of a criminal process,<sup>3</sup> being a criminal complaint and warrant for the arrest of James Brown, by Don Smith, in that he pushed, shoved and kicked Don Smith.

<sup>1</sup>or obstructed; <sup>2</sup>or execution; <sup>3</sup>any civil or criminal process or order of any court

**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:** Misdemeanor (Class B)

**BOND:** \$1,500

**720 ILCS 5/ 31-4(a)**

**OBSTRUCTING JUSTICE**

**In violation of SECTION 31-4(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 prevent the apprehension<sup>1</sup> of Don Smith, knowingly furnished false information<sup>2</sup> to James Brown, a police officer, as to the whereabouts of Don Smith, in that he related to the officer that Don Smith had recently moved to Latrobe, Pennsylvania.**

<sup>1</sup>or obstruct the prosecution or defense; <sup>2</sup>or destroys, alters, conceals or disguises physical evidence or plants false evidence

**CHARGING NOTE:** Obstructing justice in furtherance of street gang related or gang-related activity, as defined in Section 10 of the Illinois Street Gang Terrorism Omnibus Prevention Act (740 ILCS 147/10), is a Class 3 felony. See the Sentencing Guide.

**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 & 90-363.

**CHARGE:** Felony (Class 4)

**BOND:** Must be Set by Judge

**720 ILCS 5/ 31-4(b)**

**OBSTRUCTING JUSTICE**

**In violation of SECTION 31-4(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 induced James Brown, a witness having knowledge that Don Smith committed the offense of burglary, in violation of Section 19-1 of Act 5 of Chapter 720 of the Illinois Compiled Statutes, to leave the State of Illinois,<sup>1</sup> with the intent to obstruct the prosecution<sup>2</sup> of Don Smith, in that he purchased and paid for an airline ticket to Latrobe, Pennsylvania for James Brown.**

<sup>1</sup>or conceal himself; <sup>2</sup>or prevent the apprehension or obstruct the defense

**CHARGING NOTE:** Obstructing justice in furtherance of street gang related or gang related activity, as defined in Section 10 of the Illinois Street Gang Terrorism Omnibus Prevention Act (740 ILCS 147/10), is a Class 3 felony. See the Sentencing Guide.

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

**CHARGE:** Felony (Class 4)

**BOND:** Must be Set by Judge

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### **720 ILCS 5/ 31-4(c)**

#### OBSTRUCTING JUSTICE

In violation of SECTION 31-4(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), having knowledge of the fact that Don Smith committed the offense of burglary, in violation of Section 19-1 of Act 5 of Chapter 720 of the Illinois Compiled Statutes, left the State of Illinois<sup>1</sup> with the intent to obstruct the prosecution<sup>2</sup> of Don Smith.

<sup>1</sup>or concealed himself; <sup>2</sup>or prevent the apprehension or obstruct the defense

**CHARGING NOTE:** Obstructing justice in furtherance of street gang related or gang related activity, as defined in Section 10 of the Illinois Street Gang Terrorism Omnibus Prevention Act (740 ILCS 147/10), is a Class 3 felony. See the Sentencing Guide.

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

**CHARGE:** Felony (Class 4)

**BOND:** Must be Set by Judge

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### **720 ILCS 5/ 31-4.5(a)**

#### OBSTRUCTING IDENTIFICATION

In violation of SECTION 31-4.5(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), knowingly<sup>1</sup> furnished a false<sup>2</sup> name<sup>3</sup> to James Brown, a peace officer, after Officer Brown had lawfully detained<sup>4</sup> the defendant.

<sup>1</sup>or intentionally; <sup>2</sup>or fictitious; <sup>3</sup>or residence address, or date of birth; <sup>4</sup>or lawfully arrested the defendant or, having good cause to believe that the defendant was a witness to a criminal offense, requested that information from the defendant.

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

**Legislative History:** Created: Public Act: 96-0335 (Effective: 1-1-10).

**CHARGE:** Misdemeanor (Class A)

**BOND:** \$1,500

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**720 ILCS 5/ 31-5(a)**

AIDING<sup>1</sup> A FUGITIVE

In violation of SECTION 31-5(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), knowing Don Smith committed the offense of burglary, in violation of Section 19-1 of Act 5 of Chapter 720 of the Illinois Compiled Statutes, and with the intent to prevent Don Smith's apprehension, harbored<sup>2</sup> Don Smith in the residence located at 777 May Road, Union City, Union County, Illinois.

<sup>1</sup>or concealing; <sup>2</sup>or aided or concealed

**NOTE:** This Section does not apply to husband, wife, parent, child, brother or sister of the offender. (See Section 31-5)

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

**CHARGE:** Felony (Class 4)

**BOND:** Must be Set by Judge

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**720 ILCS 5/ 31-5(a)**

CONCEALING<sup>1</sup> A FUGITIVE

In violation of SECTION 31-5(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), knowing Don Smith committed the offense of burglary, in violation of Section 19-1 of Act 5 of Chapter 720 of the Illinois Compiled Statutes, and with the intent to prevent Don Smith's apprehension, concealed his knowledge that the offense of burglary had been committed by Don Smith.

<sup>1</sup>or aiding

(See following complaint for alternative charge.)

**NOTE:** This Section does not apply to husband, wife, parent, child, brother or sister of the offender. (See Section 31-5)

**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

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### **720 ILCS 5/ 31-5(b)**

#### AIDING<sup>1</sup> A FUGITIVE TO FLEE

In violation of SECTION 31-5(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), a person 18 years or older and with the intent to prevent the apprehension of the Sam Smith, aided<sup>1</sup> Sam Smith in fleeing Union City<sup>2</sup> in that said defendant (describe the volitional act<sup>3</sup> of the defendant that aided or assisted the defendant in fleeing).

<sup>1</sup>or assisted; <sup>2</sup>or municipality, county, State, country, or other defined jurisdiction in which the offender is to be arrested, charged, or prosecuted; <sup>3</sup>the defendant's conduct must be a volitional act

**CHARGING NOTE:** Unlike paragraph (a) of this Subsection, this paragraph does not seem to exclude the husband, wife, parent, child, brother or sister of the offender from the coverage of this offense.

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

This subsection was created by Public Act 97-0741; Eff: 1-1-13.

**CHARGE:** Felony (Class 4)

**BOND:** Must be Set by Judge

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### **720 ILCS 5/ 31-6(a)**

#### ESCAPE

In violation of SECTION 31-6(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), having been charged<sup>1</sup> with the offense of armed robbery, in violation of Section 18-2 of Act 5 of Chapter 720 of the Illinois Compiled Statutes, a felony, intentionally escaped from the Don Smith County Jail, a penal institution.<sup>2</sup>

<sup>1</sup>or convicted of a felony, or adjudicated a delinquent minor for the commission of a felony offense under the Juvenile Court Act of 1987; <sup>2</sup>or from the custody of an employee of that institution (Penal Institution is defined in 720 ILCS 5/2-14 as follows: "A penitentiary, state farm, reformatory, prison, jail, house of correction, or other institution for the incarceration or custody of persons under sentence for offenses or awaiting trial or sentence for offenses.")

**CHARGING NOTES:** However, (1) a person convicted of a felony or adjudicated a delinquent minor for the commission of a felony offense under the Juvenile Court Act of 1987 who knowingly fails to report to a penal institution or to report for periodic imprisonment at any time or knowingly fails to return from furlough or from work or day release or who knowingly fails to abide by the terms of home confinement is guilty of a Class 3 felony. See the Sentencing Guide. (2) Anyone who violates this subsection while armed with a dangerous weapon commits a Class 1 felony. (720 ILCS 5/31-6(d)) See the Sentencing Guide.

**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, 80-1099, 83-248, 84-1083, 86-335, 89-647, 89-656, 89-689, 90-793, 95-839, 95-921, and 96-328.

**CHARGE:** Felony (Class 2)

**BOND:** Must be Set by Judge

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## **720 ILCS 5/ 31-6(b)**

### ESCAPE

In violation of SECTION 31-6(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), having been charged<sup>1</sup> with the offense of theft not exceeding \$300, in violation of Section 16-1(a)(1) of Act 5 of Chapter 720 of the Illinois Compiled Statutes, a misdemeanor, intentionally escaped from the Union County Jail, a penal institution.<sup>2</sup>

<sup>1</sup>or convicted of a misdemeanor or adjudicated a delinquent minor for the commission of a misdemeanor offense under the Juvenile Court Act of 1987; <sup>2</sup>or from the custody of an employee of that institution (Penal Institution is defined in 720 ILCS 5/2-14 as follows: "A penitentiary, state farm, reformatory, prison, jail, house of correction, or other institution for the incarceration or custody of persons under sentence for offenses or awaiting trial or sentence for offenses.")



**CHARGING NOTE:** However, (1) a person convicted of a misdemeanor or adjudicated a delinquent minor for the commission of a misdemeanor offense under the Juvenile Court Act of 1987 who knowingly fails to report to a penal institution or to report for periodic imprisonment at any time or knowingly fails to return from furlough or from work or day release or who knowingly fails to abide by the terms of home confinement is guilty of a Class B misdemeanor. See the Sentencing Guide. (2) Anyone who violates this subsection while armed with a dangerous weapon commits a Class 1 felony. (720 ILCS 5/31-6(d)) 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/ 31-6(b-1)**

ESCAPE

In violation of SECTION 31-6(b-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), a person in the custody of the Illinois Department of Human Services under the provisions to the Sexually Violent Persons Commitment Act and under a detention order<sup>1</sup>, intentionally escaped from the Union City Hospital, a secure residential facility.<sup>2</sup>

<sup>1</sup>or under a commitment order, a conditional release order, or other court order; <sup>2</sup>or from a Department employee or any of its agents

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

This subsection was amended by Public Act 98-0770; Eff: 1-1-15.

**CHARGE:** Felony (Class 2)

**BOND:** Must be Set by Judge

**720 ILCS 5/ 31-6(c)**

ESCAPE

In violation of SECTION 31-6(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 in the lawful custody of Don Smith, a peace officer for the City of Union City, Union County, Illinois, for the alleged commission of a misdemeanor offense, intentionally escaped from Don Smith.<sup>1</sup>

<sup>1</sup>or from any peace officer

**CHARGING NOTES:** Anyone who violates this subsection while armed with a dangerous weapon commits a Class 1 felony. (720 ILCS 5/31-6(d)) Also, if the defendant was alleged to have committed a felony offense, the charge would be a Class 2 felony. 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/ 31-6(c-5)**

ESCAPE

In violation of SECTION 31-6(c-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), while in the lawful custody of Don Smith, a peace officer for the City of Union City, Union County, Illinois, for the alleged violation of a condition<sup>1</sup> of the defendant's probation<sup>2</sup> for the felony offense of burglary, intentionally escaped from Don Smith.

<sup>1</sup>or term; <sup>2</sup>or conditional discharge, parole, or mandatory supervised release

**CHARGING NOTE:** If the offense for which the defendant was on probation was a misdemeanor, his escape would constitute a Class A misdemeanor. (720 ILCS 5/31-6(c-6)) See the Sentencing Guide.

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

**CHARGE:** Felony (Class 2)

**BOND:** Must be Set by Judge

**720 ILCS 5/ 31-6(d)**

ESCAPE

In violation of SECTION 31-6(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), while in the lawful custody of Don Smith, a peace officer for the City of Union City, Union County, Illinois, and while armed with a dangerous weapon, a .38 caliber pistol,<sup>1</sup> intentionally escaped from Don Smith.

<sup>1</sup>or any dangerous weapon

**NOTE:** See preceding complaint for alternative charge under this Section.

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

**CHARGE:** Felony (Class 1)

**BOND:** Must be Set by Judge

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**720 ILCS 5/ 31-6(d)**

ESCAPE

In violation of SECTION 31-6(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), having been charged<sup>1</sup> with the offense of theft not exceeding \$300, in violation of Section 16-1(a)(1) of Act 5 of Chapter 720 of the Illinois Compiled Statutes, a misdemeanor, and while armed with a dangerous weapon, a .38 caliber pistol,<sup>2</sup> intentionally escaped from the Union County Jail, a penal institution.<sup>3</sup>

<sup>1</sup>or convicted of a misdemeanor; <sup>2</sup>or any dangerous weapon; <sup>3</sup>or from the custody of an employee of that institution. (Penal Institution is defined in 720 ILCS 5/2-14 as follows: "A penitentiary, state farm, reformatory, prison, jail, house of correction, or other institution for the incarceration or custody of persons under sentence for offenses or awaiting trial or sentence for offenses.")

**NOTE:** See following complaint for alternative charge under this Section.

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

**CHARGE:** Felony (Class 1)

**BOND:** Must be Set by Judge

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**720 ILCS 5/ 31-7(a)**

AIDING ESCAPE

In violation of SECTION 31-7(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 aid Don Smith, a prisoner confined in the Union County Jail, a penal institution,<sup>1</sup> to escape, transferred to Don Smith a hacksaw<sup>2</sup> for use in escaping from that institution.

<sup>1</sup> (Penal Institution is defined in 720 ILCS 5/2-14 as follows: "A penitentiary, state farm, reformatory, prison, jail, house of correction, or other institution for the incarceration or custody of persons under sentence for offenses or awaiting trial or sentence for offenses."); <sup>2</sup>or conveys into the institution or transfers to the prisoner anything for use in escaping

**CHARGING NOTE:** A person who violates this Section while armed with a dangerous weapon commits a Class 2 felony. (720 ILCS 5/31-7(g)) See the Sentencing Guide.

**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, 83-248, 86-335, 89-656, 89-689, 95-839 and 95-931.

**CHARGE:** Misdemeanor (Class A)

**BOND:** \$1,500

**720 ILCS 5/ 31-7(b)**

AIDING ESCAPE

In violation of SECTION 31-7(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), knowingly aided Don Smith, a person convicted of the offense of armed robbery,<sup>1</sup> in violation of Section 18-2 of Act 5 of Chapter 720 of the Illinois Compiled Statutes, to escape from the Union County Jail,<sup>2</sup> a penal institution, in that he unlocked cell #6 in tier 3 where Don Smith was confined, and fled with him from said institution.

<sup>1</sup>or having been convicted of any felony or charged with the commission of any felony or adjudicated a delinquent minor for the commission of a felony offense under the Juvenile Court Act of 1987; <sup>2</sup>or from the custody of an employee of that institution (Penal Institution is defined in 720 ILCS 5/2-14 as follows: "A penitentiary, state farm, reformatory, prison, jail, house of correction, or other institution for the incarceration or custody of persons under sentence for offenses or awaiting trial or sentence for offenses.")

**CHARGING NOTE:** Anyone who violates this Section while armed with a dangerous weapon commits a Class 2 felony. (720 ILCS 5/31-7(g)) See Sentencing Guide.

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

**CHARGE:** Felony (Class 2)

**BOND:** Must be Set by Judge

## **720 ILCS 5/ 31-7(f)**

### AIDING ESCAPE

In violation of SECTION 31-7(f) 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<sup>1</sup> of the Union County Jail, a penal institution,<sup>2</sup> recklessly permitted Don Smith, a prisoner in his custody, to escape in that while assigned to guard such prisoner, became intoxicated and fell asleep thereby permitting the prisoner to escape.

<sup>1</sup>or officer; <sup>2</sup>see definition Appendix C

**CHARGING NOTES:** A person who violates this Section while armed with a dangerous weapon commits a Class 1 felony. See the Sentencing Guide. Also, whoever knowingly aids a person convicted of a felony, or adjudicated a delinquent minor for the commission of a felony offense under the Juvenile Court Act of 1987, or charged with the commission of a felony in failing to return from furlough or from work or day release is guilty of a Class 3 felony. (720 ILCS 5/31-7(b)) See the Sentencing Guide. Also, whoever knowingly aids a person convicted of a misdemeanor, or adjudicated a delinquent minor for the commission of a misdemeanor offense under the Juvenile Court Act of 1987, or charged with the commission of a misdemeanor in failing to return from furlough or from work or day release is guilty of a Class B misdemeanor. (720 ILCS 5/31-7(c)) See the Sentencing Guide. Also, Alternative methods of committing this offense: Subsections (c), (d), (e), (f-5), (f-6) and (g) provide as follows: (c) Whoever knowingly aids a person convicted of a misdemeanor, or adjudicated a delinquent minor for the commission of a misdemeanor offense under the Juvenile Court Act of 1987, or charged with the commission of a misdemeanor in escaping from any penal institution or from the custody of an employee of that institution commits a Class A Misdemeanor. (d) Whoever knowingly aids a person in escaping from any public institution other than a penal institution, in which he is lawfully detained, or from the custody of an employee of that institution, commits a Class A Misdemeanor. (e) Whoever knowingly aids a person in the lawful custody of a peace officer for the alleged commission of a felony offense or adjudicated a delinquent minor for the commission of a felony offense under the Juvenile Court Act of 1987, in escaping from custody commits a Class 2 felony; however, whoever knowingly aids a person in the lawful custody of a peace officer for the commission of a misdemeanor offense or adjudicated a delinquent minor for the commission of a misdemeanor offense under the Juvenile Court Act of 1987, in escaping from custody commits a Class A misdemeanor. (f-5) With respect to a person in the lawful custody of a peace officer for an alleged violation of a term or condition of probation, conditional discharge, parole, or mandatory supervised release for a felony, whoever intentionally aids that person to escape from that custody is guilty of a Class 2 felony. (f-6) With respect to a person who is in the lawful custody of a peace officer for an alleged violation of a term or condition of supervision, probation, or conditional discharge for a misdemeanor, whoever intentionally aids

that person to escape from that custody if guilty of a Class A misdemeanor. (g) A person who violates any subsection of this Section while armed with a dangerous weapon commits a Class 2 felony. See the Sentencing Guide.

**CHARGE:** Misdemeanor (Class A)

**BOND:** \$1,500

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**720 ILCS 5/ 31-8(a)**

REFUSING TO AID AN OFFICER

In violation of SECTION 31-8(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), knowing Don Smith to be a police officer, refused,<sup>1</sup> upon the command of Don Smith, to give reasonable aid to the officer in the apprehension of James Brown, whom Don Smith was authorized to apprehend.

<sup>1</sup>or knowingly failed

**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:** Petty Offense

**BOND:** \$120

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**720 ILCS 5/ 31-8(b)**

REFUSING TO AID AN OFFICER

In violation of SECTION 31-8(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), knowing Don Smith to be a police officer, refused,<sup>1</sup> upon the command of Don Smith, to give reasonable aid to the officer in preventing the commission by James Brown<sup>2</sup> of the offense of robbery, in violation of Section 18-1 of Act 5 of Chapter 720 of the Illinois Compiled Statutes.

<sup>1</sup>or knowingly failed; <sup>2</sup>if name of defendant is unknown, merely aver "another"

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

**CHARGE:** Petty Offense

**BOND:** \$120

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## **720 ILCS 5/ 31-9**

### OBSTRUCTING AN EMERGENCY MANAGEMENT WORKER

In violation of SECTION 31-9 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 Don Smith to be an emergency management worker, knowingly obstructed the performance by Don Smith of an authorized act within his official capacity as an emergency management worker in that (describe the act the defendant obstructed).

**NOTE:** For a definition of "Emergency Management Worker" see Appendix C.

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

**Legislative History:** This subsection was created by Public Act 94-243 (Eff: 1-1-06).

**CHARGE:** Misdemeanor (Class A)

**BOND:** \$1,500

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## **720 ILCS 5/31A-0.1**

### PENAL INSTITUTION RELATED DEFINITIONS

Sec. 31A-0.1. Definitions. For the purposes of this Article:

"Deliver" or "delivery" means the actual, constructive or attempted transfer of possession of an item of contraband, with or without consideration, whether or not there is an agency relationship.

"Employee" means any elected or appointed officer, trustee or employee of a penal institution or of the governing authority of the penal institution, or any person who performs services for the penal institution pursuant to contract with the penal institution or its governing authority.

"Item of contraband" means any of the following:

(i) "Alcoholic liquor" as that term is defined in Section 1-3.05 of the Liquor Control Act of 1934.

(ii) "Cannabis" as that term is defined in subsection (a) of Section 3 of the Cannabis Control Act.

(iii) "Controlled substance" as that term is defined in the Illinois Controlled Substances Act.

(iii-a) "Methamphetamine" as that term is defined in the Illinois Controlled Substances Act or the Methamphetamine Control and Community Protection Act.

(iv) "Hypodermic syringe" or hypodermic needle, or any instrument adapted for use of controlled substances or cannabis by subcutaneous injection.

(v) "Weapon" means any knife, dagger, dirk, billy, razor, stiletto, broken bottle, or other piece of glass which could be used as a dangerous weapon. This term includes any of the devices or implements designated in subsections (a)(1), (a)(3) and (a)(6) of Section 24-1 of this Code, or any other dangerous weapon or instrument of like character.

(vi) "Firearm" means any device, by whatever name known, which is designed to expel a projectile or projectiles by the action of an explosion, expansion of gas or escape of gas, including but not limited to: (A) any pneumatic gun, spring gun, or B-B gun which expels a single globular projectile not exceeding .18 inch in diameter; or (B) any device used exclusively for signaling or safety and required as recommended by the United States Coast Guard or the Interstate Commerce Commission; or (C) any device used exclusively for the firing of stud cartridges, explosive rivets or industrial ammunition; or (D) any device which is powered by electrical charging units, such as batteries, and which fires one or several barbs attached to a length of wire and which, upon hitting a human, can send out current capable of disrupting the person's nervous system in such a manner as to render him or her incapable of normal functioning, commonly referred to as a stun gun or taser.

(vii) "Firearm ammunition" means any self-contained cartridge or shotgun shell, by whatever name known, which is designed to be used or adaptable to use in a firearm, including but not limited to: (A) any ammunition exclusively designed for use with a device used exclusively for signaling or safety and required or recommended by the United States Coast Guard or the Interstate Commerce Commission; or (B) any ammunition designed exclusively for use with a stud or rivet driver or other similar industrial ammunition.

(viii) "Explosive" means, but is not limited to, bomb, bombshell, grenade, bottle or other container containing an explosive substance of over one-quarter ounce for like purposes such as black powder bombs and Molotov cocktails or artillery projectiles.

(ix) "Tool to defeat security mechanisms" means, but is not limited to, handcuff or security restraint key, tool designed to pick locks, popper, or any device or instrument used to or capable of unlocking or preventing from locking any handcuff or security restraints, doors to cells, rooms, gates or other areas of the penal institution.

(x) "Cutting tool" means, but is not limited to, hacksaw blade, wire cutter, or device, instrument or file capable of cutting through metal.

(xi) "Electronic contraband" for the purposes of Section 31A-1.1 of this Article means, but is not limited to, any electronic, video recording device, computer, or cellular communications equipment, including, but not limited to, cellular telephones, cellular telephone batteries, videotape recorders, pagers, computers, and computer peripheral equipment brought into or possessed in a penal institution without the written authorization of the Chief Administrative Officer. "Electronic contraband" for the purposes of Section 31A-1.2 of this Article, means, but is not limited to, any electronic, video recording device, computer, or cellular communications equipment, including, but not limited to, cellular telephones, cellular telephone batteries, videotape recorders, pagers, computers, and computer peripheral equipment.



"Penal institution" means any penitentiary, State farm, reformatory, prison, jail, house of correction, police detention area, half-way house or other institution or place for the incarceration or custody of persons under sentence for offenses awaiting trial or sentence for offenses, under arrest for an offense, a violation of probation, a violation of parole, or a violation of mandatory supervised release, or awaiting a bail setting hearing or preliminary hearing; provided that where the place for incarceration or custody is housed within another public building this Article shall not apply to that part of the building unrelated to the incarceration or custody of persons.

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## **720 ILCS 5/ 31A-1.1(a)**

### BRINGING CONTRABAND INTO A PENAL INSTITUTION

In violation of SECTION 31A-1.1(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), knowingly and without authority of any person designated or authorized to grant such authority, brought<sup>1</sup> an item of contraband,<sup>2</sup> cannabis, into the Union City Jail, a penal institution.

<sup>1</sup>or caused another to bring such contraband into a penal institution or placed such contraband in such proximity to a penal institution as to give an inmate access to the contraband; <sup>2</sup>an "Item of contraband" means any of the following: (i) "Alcoholic liquor," (ii) "Cannabis," (iii) "Controlled substance," (iii-a) "Methamphetamine," (iv) "Hypodermic syringe," (v) "Weapon," (vi) "Firearm," (vii) "Firearm ammunition," (viii) "Explosive," (ix) "Tool to defeat security mechanisms," (x) "Cutting tool," (xi) "Electronic contraband." (See: 31A-0.1 in this publication).

**DEFINITION:** A "penal institution" means any penitentiary, State farm, reformatory, prison, jail, house of correction, police detention area, half-way house of other institution or place for the incarceration or custody of persons under sentence for offenses, under arrest for an offense, a violation of probation, a violation of parole, or a violation of mandatory supervised release, or awaiting a bail setting hearing or preliminary hearing. (See: 31A-0.1 in this publication).

**CHARGING NOTES:** **(1)** Bringing into or possessing alcoholic liquor in a penal institution is a Class 4 felony. **(2)** Bringing into or possessing cannabis in ~~into~~ a penal institution is a Class 3 felony. **(3)** Bringing into or possessing any amount of a controlled substance classified in Schedules III, IV or V of Article II of the Controlled Substance Act in a penal institution is a Class 2 felony. **(4)** Bringing into or possessing any amount of a controlled substance classified in Schedules I or II of Article II of the Controlled Substance Act in a penal institution is a Class 1 felony. Possessing any amount of a controlled substance classified in Schedules I or II of Article II of the Controlled Substance Act in a penal institution is a Class 1 felony. **(5)** Bringing into or possessing a hypodermic syringe in a penal institution is a Class 1 felony. **(6)** Bringing into or possessing a weapon, tool to defeat security mechanisms, cutting tool, or electronic contraband in a penal institution is a Class 1 felony. **(7)** Bringing into or possessing a firearm, firearm ammunition, or explosive in a penal institution is a Class X felony. See the Sentencing Guide.

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

**Legislative History:** Created - P.A. 80-1131 (July 1, 1978); Amended - P.A.s 82-783, 89-1041, 85-755, 86-866, 89-688, 94-556, 94-1017, 96-1112 and amended and re-numbered by Public Act 97-1108; Eff: 1-1-13.

**CHARGE:** Felony (Class 3)

**BOND:** Must be Set by Judge

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## **720 ILCS 5/ 31A-1.1(b)**

### UNLAWFUL POSSESSION OF CONTRABAND IN A PENAL INSTITUTION

In violation of SECTION 31A-1.1(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), knowingly possessed an item of contraband, a switchblade knife, in the Union City Prison, a penal institution.

**NOTE:** An "Item of contraband" means any of the following: (i) "Alcoholic liquor," (ii) "Cannabis," (iii) "Controlled substance," (iii-a) "Methamphetamine," (iv) "Hypodermic syringe," (v) "Weapon," (vi) "Firearm," (vii) "Firearm ammunition," (viii) "Explosive," (ix) "Tool to defeat security mechanisms," (x) "Cutting tool," (xi) "Electronic contraband." (See: 31A-0.1 in this publication).

**DEFINITION:** A "penal institution" means any penitentiary, State farm, reformatory, prison, jail, house of correction, police detention area, half-way house of other institution or place for the incarceration or custody of persons under sentence for offenses, under arrest for an offense, a violation of probation, a violation of parole, or a violation of mandatory supervised release, or awaiting a bail setting hearing or preliminary hearing. (See: 31A-0.1 in this publication).

**NOTE:** Note that this statute states that a defendant shall be guilty of this offense "regardless of the intent with which he possessed" the contraband.

**CHARGING NOTES:** (1) Bringing into or possessing alcoholic liquor in a penal institution is a Class 4 felony. (2) Bringing into or possessing cannabis in a penal institution is a Class 3 felony. (3) Bringing into or possessing any amount of a controlled substance classified in Schedules III, IV or V of Article II of the Controlled Substance Act in a penal institution is a Class 2 felony. (4) Bringing into or possessing any amount of a controlled substance classified in Schedules I or II of Article II of the Controlled Substance Act in a penal institution is a Class 1 felony. Possessing any amount of a controlled substance classified in Schedules I or II of Article II of the Controlled Substance Act in a penal institution is a Class 1 felony. (5) Bringing into or possessing a hypodermic syringe in a penal institution is a Class 1 felony. (6) Bringing into or possessing a weapon, tool to defeat security mechanisms, cutting tool, or electronic contraband in a penal institution is a Class 1 felony. (7) Bringing into or possessing a firearm, firearm ammunition, or explosive in a penal institution is a Class X felony. See the Sentencing Guide.

**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 1)

**BOND:** Must be Set by Judge

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**720 ILCS 5/ 31A-1.2(a)(1)**

UNAUTHORIZED BRINGING OF CONTRABAND INTO A PENAL  
INSTITUTION BY AN EMPLOYEE<sup>1</sup>

In violation of SECTION 31A-1.2(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), an employee of a penal institution, knowingly and without authority of any person designated or authorized to grant such authority, brought<sup>2</sup> an item of contraband, cannabis,<sup>3</sup> into the Union City Jail, a penal institution.

<sup>1</sup>for a definition of "employee" see 31A-1.2(d)(2); <sup>2</sup>or attempted to bring; <sup>3</sup>or any item of contraband listed in Paragraphs (i) through (iv) of subsection (d)(4) of this Section

**CHARGING NOTE:** Under subsection (2) of this Section this offense may be committed by causing or permitting another to bring such an item of contraband into a penal institution.

**CHARGING AND SENTENCING NOTES:** **(1)** A violation of paragraphs (a) or (b) of this Section involving alcohol is a Class 4 felony. A violation of paragraph (a) or (b) of this Section involving cannabis is a Class 2 felony. A violation of paragraph (a) or (b) involving any amount of a controlled substance classified in Schedules III, IV or V of Article II of the Illinois Controlled Substances Act is a Class 1 felony. A violation of paragraph (a) or (b) of this Section involving any amount of a controlled substance classified in Schedules I or II of Article II of the Illinois Controlled Substances Act is a Class X felony. A violation of paragraph (a) or (b) involving a hypodermic syringe is a Class X felony. A violation of paragraph (a) or (b) involving a weapon, tool to defeat security mechanisms, cutting tool, or electronic contraband is a Class 1 felony. A violation of paragraph (a) or (b) involving a firearm, firearm ammunition, or explosive is a Class X felony. **(2)** A violation of paragraph (c) of this Section involving alcoholic liquor is a Class 3 felony. A violation of paragraph (c) involving cannabis is a Class 1 felony. A violation of paragraph (c) involving any amount of a controlled substance classified in Schedules III, IV or V of Article II of the Illinois Controlled Substances Act is a Class X felony. A violation of paragraph (c) involving any amount of a controlled substance classified in Schedules I or II of Article II of the Illinois Controlled Substances Act is a Class X felony for which the minimum term of imprisonment shall be 8 years. A violation of paragraph (c) involving a hypodermic syringe is a Class X felony for which the minimum term of imprisonment shall be 8 years. A violation of paragraph (c) involving a weapon, tool to defeat security mechanisms, cutting tool, or electronic contraband is a Class X felony for which the minimum term of imprisonment shall be 10 years. A violation of paragraph (c) involving a firearm, firearm ammunition, or explosive is a Class X felony for which the minimum term of imprisonment shall be 12 years. Items

confiscated may be retained for use by the Department of Corrections or disposed of as deemed appropriate by the Chief Administrative Officer in accordance with Department rules or disposed of as required by law. For a violation of subsection (a) or (b) involving alcoholic liquor, a weapon, firearm, firearm ammunition, tool to defeat security mechanisms, cutting tool, or electronic contraband the items shall not be considered to be in a penal institution when they are secured in an employee's locked, private motor vehicle parked on the grounds of a penal institution. See the Sentencing Guide.

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

**Legislative History:** Created - P.A. 86-866 (Eff: 1-1-90); Amended - P.A. 86-1003, 87-905, 88-678, 89-688, 94-1017, 95-962, 96-1112, 96-1325 and amended and re-numbered by Public Act 97-1108; Eff: 1-1-13.

**CHARGE:** Felony (Class 2)

**BOND:** Must be Set by Judge

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### **720 ILCS 5/ 31A-1.2(b)**

#### UNAUTHORIZED POSSESSION OF CONTRABAND IN A PENAL INSTITUTION BY AN EMPLOYEE<sup>1</sup>

In violation of SECTION 31A-1.2(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), an employee<sup>1</sup> of a penal institution, knowingly and without authority of any person designated or authorized to grant such authority, possessed an item of contraband, heroin,<sup>2</sup> a Schedule I drug, in the Union City Jail, a penal institution.

<sup>1</sup>for a definition of "employee" see 31A-1.2(d)(2); <sup>2</sup>or any item of contraband listed in Paragraphs (i) through (iv) of subsection (d)(4) of this Section

**CHARGING AND SENTENCING NOTES:** **(1)** A violation of paragraphs (a) or (b) of this Section involving alcohol is a Class 4 felony. A violation of paragraph (a) or (b) of this Section involving cannabis is a Class 2 felony. A violation of paragraph (a) or (b) involving any amount of a controlled substance classified in Schedules III, IV or V of Article II of the Illinois Controlled Substances Act is a Class 1 felony. A violation of paragraph (a) or (b) of this Section involving any amount of a controlled substance classified in Schedules I or II of Article II of the Illinois Controlled Substances Act is a Class X felony. A violation of paragraph (a) or (b) involving a hypodermic syringe is a Class X felony. A violation of paragraph (a) or (b) involving a weapon, tool to defeat security mechanisms, cutting tool, or electronic contraband is a Class 1 felony. A violation of paragraph (a) or (b) involving a firearm, firearm ammunition, or explosive is a Class X felony. **(2)** A violation of paragraph (c) of this Section involving alcoholic liquor is a Class 3 felony. A violation of paragraph (c) involving cannabis is a Class 1 felony. A violation of paragraph (c) involving any amount of a controlled substance classified in Schedules III, IV or V of Article II of the Illinois Controlled Substances Act is a Class X felony. A violation of paragraph (c) involving any amount of a controlled substance classified in Schedules I or II of

Article II of the Illinois Controlled Substances Act is a Class X felony for which the minimum term of imprisonment shall be 8 years. A violation of paragraph (c) involving a hypodermic syringe is a Class X felony for which the minimum term of imprisonment shall be 8 years. A violation of paragraph (c) involving a weapon, tool to defeat security mechanisms, cutting tool, or electronic contraband is a Class X felony for which the minimum term of imprisonment shall be 10 years. A violation of paragraph (c) involving a firearm, firearm ammunition, or explosive is a Class X felony for which the minimum term of imprisonment shall be 12 years. Items confiscated may be retained for use by the Department of Corrections or disposed of as deemed appropriate by the Chief Administrative Officer in accordance with Department rules or disposed of as required by law For a violation of subsection (a) or (b) involving alcoholic liquor, a weapon, firearm, firearm ammunition, tool to defeat security mechanisms, cutting tool, or electronic contraband, the items shall not be considered to be in a penal institution when they are secured in an employee's locked, private motor vehicle parked on the grounds of a penal institution. See the Sentencing Guide.

**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 X) **BOND:** Must be Set by Judge

**720 ILCS 5/ 31A-1.2(c)(1)**

UNAUTHORIZED DELIVERY OF CONTRABAND IN A PENAL  
INSTITUTION BY AN EMPLOYEE<sup>1</sup>

**In violation of SECTION 31A-1.2(c)(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), an employee<sup>1</sup> of a penal institution, knowingly and without authority of any person designated or authorized to grant such authority, delivered an item of contraband, heroin,<sup>2</sup> a Schedule I drug, in the Union City Jail, a penal institution.**

<sup>1</sup>for a definition of "employee" see 31A-1.2(d)(2); <sup>2</sup>or any item of contraband listed in subsection (d)(4) of this Section

**CHARGING NOTE:** This subsection may also be violated by: (c)(2) conspiring to deliver or solicitation of the delivery of an item of contraband to any inmate in a penal institution; (c)(3) causing or permitting the delivery of an item of contraband to any inmate in a penal institution; or (c)(4) permitting another person to attempt to deliver an item of contraband to any inmate in a penal institution.

**CHARGING AND SENTENCING NOTES:** **(1)** A violation of paragraphs (a) or (b) of this Section involving alcohol is a Class 4 felony. A violation of paragraph (a) or (b) of this Section involving cannabis is a Class 2 felony. A violation of paragraph (a) or (b) involving any amount of a controlled substance classified in Schedules III, IV or V of Article II of the Illinois

Controlled Substances Act is a Class 1 felony. A violation of paragraph (a) or (b) of this Section involving any amount of a controlled substance classified in Schedules I or II of Article II of the Illinois Controlled Substances Act is a Class X felony. A violation of paragraph (a) or (b) involving a hypodermic syringe is a Class X felony. A violation of paragraph (a) or (b) involving a weapon, tool to defeat security mechanisms, cutting tool, or electronic contraband is a Class 1 felony. A violation of paragraph (a) or (b) involving a firearm, firearm ammunition, or explosive is a Class X felony. **(2)** A violation of paragraph (c) of this Section involving alcoholic liquor is a Class 3 felony. A violation of paragraph (c) involving cannabis is a Class 1 felony. A violation of paragraph (c) involving any amount of a controlled substance classified in Schedules III, IV or V of Article II of the Illinois Controlled Substances Act is a Class X felony. A violation of paragraph (c) involving any amount of a controlled substance classified in Schedules I or II of Article II of the Illinois Controlled Substances Act is a Class X felony for which the minimum term of imprisonment shall be 8 years. A violation of paragraph (c) involving a hypodermic syringe is a Class X felony for which the minimum term of imprisonment shall be 8 years. A violation of paragraph (c) involving a weapon, tool to defeat security mechanisms, cutting tool, or electronic contraband is a Class X felony for which the minimum term of imprisonment shall be 10 years. A violation of paragraph (c) involving a firearm, firearm ammunition, or explosive is a Class X felony for which the minimum term of imprisonment shall be 12 years. **(f)** Items confiscated may be retained for use by the Department of Corrections or disposed of as deemed appropriate by the Chief Administrative Officer in accordance with Department rules or disposed of as required by law. **(g)** For a violation of subsection (a) or (b) involving alcoholic liquor, a weapon, firearm, firearm ammunition, tool to defeat security mechanisms, cutting tool, or electronic contraband, the items shall not be considered to be in a penal institution when they are secured in an employee's locked, private motor vehicle parked on the grounds of a penal institution. See the Sentencing Guide.

**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 X)

**BOND:** Must be Set by Judge

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