

725 ILCS 175/ 4(a)

NARCOTICS RACKETEERING

In violation of SECTION 4(a) of ACT 175 of CHAPTER 725 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), received income knowing that such income was derived directly¹ from a pattern of narcotics activity in which he participated.²

¹or indirectly; ²or for which he was accountable

NOTE: "Pattern of narcotics activity" means 2 or more acts of narcotics activity of which at least 2 such acts were committed within 5 years of each other. At least one of those acts of narcotics activity must have been committed after the effective date this act (August 18, 1982) and at least one of such acts shall be or shall have been punishable as a Class X, Class 1 or Class 2 felony.

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

Legislative History: Created - P.A. 82-940 (August 18, 1982).

CHARGE: Felony (Class 1)

BOND: Must be Set by Judge

725 ILCS 175/ 4(b)

NARCOTICS RACKETEERING

In violation of SECTION 4(b) of ACT 175 of CHAPTER 725 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), received income knowing such income to be derived directly¹ from a pattern of narcotics activity in which he participated² and he invested³ directly, ¹a part⁴ of such income in an acquisition of an interest in⁵ an enterprise doing business in the State of Illinois.

¹or indirectly; ²or for which he was accountable; ³or used; ⁴any part; ⁵or the establishment or operation of

NOTE: For a definition of "a pattern of narcotics activity" see Appendix C.

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

CHARGE: Felony (Class 1)

BOND: Must be Set by Judge

725 ILCS 175/ 4(c)

NARCOTICS RACKETEERING

In violation of SECTION 4(c) of ACT 175 of CHAPTER 725 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), knowingly, through a pattern of narcotics activity in which he participated,¹ acquire² directly³ an interest⁴ in an enterprise which is engaged in⁵ business in the State of Illinois.

¹or for which he was accountable; ²or maintained; ³or indirectly; ⁴or any interest in or contract of; ⁵or the activities of which affect

NOTE: For definition of "a pattern of narcotics activity" see Appendix C.

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

CHARGE: Felony (Class 1)

BOND: Must be Set by Judge

725 ILCS 175/ 4(d)

NARCOTICS RACKETEERING

In violation of SECTION 4(d) of ACT 175 of CHAPTER 725 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), being a person employed by¹ an enterprise doing business in the State of Illinois, knowingly conducted² directly³ in the conduct of such enterprise's affairs through a pattern of narcotics activity in which he participated.⁴

¹or associated with; ²or participated in; ³or indirectly; ⁴or for which he was accountable

NOTE: For a definition of "a pattern of narcotic activity" see Appendix C.

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

CHARGE: Felony (Class 1)

BOND: Must be Set by Judge

730 ILCS 5/ 5-8A-4.1

ESCAPE

In violation of SECTION 5-8A-4.1 of ACT 5 of CHAPTER 730 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), who was charged with¹ the felony offense of aggravated battery and who was conditionally released from the Union County Jail, the supervising authority, through an electronic home monitoring detention program, knowingly violated a condition of that electronic home monitoring detention program in that (describe the violation).

¹or convicted of, or charged with or adjudicated a delinquent minor for the commission of a misdemeanor offense (or what would have been a misdemeanor offense) under the Juvenile Court Act of 1987

CHARGING NOTE: If the offense with which the defendant is charged or convicted was a misdemeanor, or charged with or adjudicated a delinquent minor for the commission of a misdemeanor offense (or what would have been a misdemeanor offense) under the Juvenile Court Act of 1987, a violation of this subsection is a Class B misdemeanor. A person who violates this Section while armed with a dangerous weapon is guilty of a Class 1 felony. See the Sentencing Guide.

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

Legislative History: Created by Public Act 89-648 (Eff: 1/1/97). Amended: 95-921.

CHARGE: Felony (Class 3)

BOND: Must be Set by Judge

730 ILCS 150/ 3

UNLAWFUL FAILURE TO REGISTER AS A SEX OFFENDER

In violation of SECTION 3 of ACT 150 of CHAPTER 730 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), a sex offender,¹ knowingly² failed to register, in accordance with the provisions of the Child Sex Offender Registration Act, with the chief of police of Union City,³ Illinois, within 3 days after he established a residence in Union City.⁴

¹or sexual predator; ²or intentionally or recklessly; ³or if no police chief exists or if the defendant resides in an unincorporated area, with the County Sheriff; ⁴or within 3 days of his coming into any county in which he resides or is temporarily domiciled for more than 5 days or within 3 days of establishing or changing his place of employment **(Always check this section to determine the period of time in which the defendant must register.)**

CHARGING NOTES: A second or subsequent offense is a Class 2 felony. The charging instrument must state prior conviction. See Appendix A. A person knowingly and willfully giving materially false information commits a Class 3 felony.

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

Legislative History: Created - P.A. 84-1279 (August 15, 1986); Amended - P.A. 87-1064, 88-467, 89-8, 91-48, 91-221, 91-394, 95-229, 95-579, 95-640, 95-658, 95-876, 96-1094, 96-1551 and 97-578.

CHARGE: Felony (Class 3)

BOND: Must be Set by Judge

740 ILCS 90/ 5(a)

DEFRAUDING AN INNKEEPER

In violation of SECTION 5(a) of ACT 90 of CHAPTER 740 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 defraud, obtained lodging¹ in the amount of \$126.40 at the Union City Hotel, Inc.,² a corporation, located at 777 May Street, Union City, Union County, Illinois, without paying therefore.

¹and/or food, money, property or other accommodations; ²or any hotel, inn, boarding house or lodging house

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 - Laws 1939, p.678 (July 19, 1939); Amended - P.A. 77-2529.

CHARGE: Misdemeanor (Class A)

BOND: \$1,500

740 ILCS 90/ 9(e)

UNLAWFUL REMOVAL OF PROPERTY OF A HOTEL³

In violation of SECTION 9(e) of ACT 90 of CHAPTER 740 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), knowingly¹ removed² property from the Union City Hotel, Inc., a corporation licensed to do business in Illinois, located at 777 May Street, Union City, Union County, Illinois, being 6 towels, 2 sheets, 1 chair and 3 ash trays, which property belonged to said hotel.³

¹or intentionally or recklessly; ²or attempted to remove; ³inn, boarding house or lodging house

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: Created - Laws 1939, p.678 (July 19, 1939); Amended - P.A. 77-2529.

CHARGE: Misdemeanor (Class A)

BOND: \$1,500

765 ILCS 835/ 1(a)

UNLAWFUL DESTRUCTION¹ OF THE REMAINS OF A HUMAN BEING

In violation of SECTION 1(a) of ACT 835 of CHAPTER 765 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), willfully and knowingly and without proper legal authority, destroyed² the remains of Don Smith, a deceased human being, located in the Union City Cemetery located at 777 May Street in Union City, Illinois.

¹or damage or desecration; ²or damaged or desecrated

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

Legislative History: Created - P.A. 87-527 (September 16, 1991); Amended - P.A. 89-36, 95-331 & 96-868.

CHARGE: Felony (Class 3)

BOND: Must be Set by Judge

765 ILCS 835/ 1(a-5)

UNLAWFUL REMOVAL OF THE REMAINS OF A HUMAN BEING

In violation of SECTION 1(a-5) of ACT 835 of CHAPTER 765 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), willfully, knowingly, and without legal authority, removed the skull¹ of Sam Smith, a deceased human being, from a grave ² located in the Union City Cemetery located at 777 May Street in Union City, Illinois.

¹or any portion of the human remains; ²or from a burial ground where skeletal remains are buried or from a crypt, vault, mausoleum or other repository of human remains

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

CHARGE: Felony (Class 4)

BOND: Must be Set by Judge

765 ILCS 835/ 1(b)(1)

UNLAWFUL VANDALIZATION¹ OF A GRAVE

In violation of SECTION 1(b)(1) of ACT 835 of CHAPTER 765 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), willfully, knowingly, and without legal authority vandalized² the grave ³ of Don Smith located in the Union City Cemetery located in Union City, Illinois, in that said defendant (describe acts of vandalism) and in so acting caused less than \$500 worth of damage.

¹or obliteration or desecration; ²or obliterated or desecrated; ³or any burial ground where skeletal remains are buried or a crypt, vault, mausoleum or other repository of human remains.

NOTE: Subsection (b) of Section 1 of Act 835 of Chapter 765 may also be violated if the defendant: 1. Obliterates, vandalizes, or desecrates a park or other area clearly designated to preserve and perpetuate the memory of a deceased person or group of persons. (765 ILCS 835/1(b)(2)); 2. Obliterates, vandalizes, or desecrates plants, trees, shrubs, or flowers located upon or around a repository for human remains or within a human graveyard or cemetery. (765 ILCS 835/1(b)(3)); and 3. Obliterates, vandalizes, or desecrates a fence, rail, curb, or other structure of a similar nature intended for protection or for the ornamentation of any tomb, monument, gravestone, or other structures of like character. (765 ILCS 835/1(b)(4)).

CHARGING NOTE: Each of these offenses is a Class A misdemeanor if the amount of the damage is less than \$500, a Class 4 felony if the amount of the damage is at least \$500 and less than \$10,000, a Class 3 felony if the amount of the damage is at least \$10,000 and less than \$100,000 or a Class 2 felony if the damage is \$100,000 or more and shall provide restitution to the cemetery authority or property owner for the amount of any damage caused. See the Sentencing Guide.

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

CHARGE: Misdemeanor (Class A) **BOND:** \$1,500

765 ILCS 835/ 1(f)

UNLAWFUL ENTRY INTO¹ A CEMETERY

In violation of SECTION 1(f) of ACT 835 of CHAPTER 765 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), knowingly entered² upon the premises of the Union City Cemetery³ without authorization during hours that the Union City Cemetery was posted as closed to the public.

¹or presence in; ²or knowingly remained; ³or any public or private cemetery

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

CHARGE: Misdemeanor (Class A) **BOND:** \$1,500

765 ILCS 835/ 1-1(b-5)

UNLAWFUL VANDALIZATION¹ OF A GRAVESTONE

In violation of SECTION 1-1(b-5) of ACT 835 of CHAPTER 765 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), willfully, knowingly, and without proper legal authority, vandalized² four gravestones³ in the Union City Cemetery in that said defendant painted the gravestones with yellow paint.

¹or defacement, injury or removal; ²or defaced, injured or removed; ³or any other memorial, monument, or marker commemorating a deceased person or group of persons, whether located within or outside of a recognized cemetery, memorial park or battlefield.

CHARGING NOTE: A defendant convicted of violating this subsection is guilty of a Class 4 felony for damaging at least one but no more than 4 gravestones, a Class 3 felony for damaging at least 5 but no more than 10 gravestones, or a Class 2 felony for damaging more than 10 gravestones and shall provide restitution to the cemetery authority or property owner for the amount of any damage caused. 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

815 ILCS 515/ 3(a)(1)

HOME REPAIR FRAUD

In violation of SECTION 3(a)(1) of ACT 515 of CHAPTER 815 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), knowingly entered into an oral¹ contract² in the amount of \$4,000.00 with Don Smith for the repair of the home of Don Smith located at 777 May Street, Union City, Union County, Illinois, and in so doing, knowingly misrepresented the existing condition of said home by informing Don Smith that the wiring of that home was badly in need of repair and could start a fire at any time when such was not the case.³

¹a written; ²or agreement; ³or a material fact relating to the terms of the contract or agreement or the pre-existing or existing condition of any portion of the property involved, or created or confirmed another's impression which was false and which the defendant did not believe to be true, or promised performance which the defendant did not intend to perform or knew would not be performed

NOTE: The following are alternative way of violation this Section: (a) The defendant knowingly enters into an agreement or contract, written or oral, with a person for home repair and he knowingly: 1. Misrepresents a material fact relating to the terms of such a contract or agreement or the pre-existing or existing condition of any portion of the property involved, or creates or confirms another's impression which is false and which the defendant does not believe to be true, or promises a performance which the defendant does not intend to perform or knows will not be performed. 2. Uses or employs any deception, false pretense or false promise in order to induce, encourage or solicit a victim into entering into any such contract or agreement. 3. Enters into an unconscionable agreement or contract requiring the payment of at least \$4,000 to the defendant. An unconscionable contract exists when an "unreasonable" difference exists between the value of the services materials and work to be performed and the amount charged for those services. It is prima facie unconscionable for a contract to call for payment in excess of four time the fair market value of the services, materials or work provided. 4. Fails to comply with the Assumed Business Name Act (805 ILCS 405/1) and the defendant misrepresents or conceals either his real name, the name of his business, or his business address. See the Sentencing Guide.

NOTE: See subsection (c) of this Section for description of rebuttable presumption concerning defendant's intent or knowledge.

CAUTION: In People v. Watts 181 Ill. 2d 133, 692 N.E.2d 315, 229 Ill.Dec. 542 (No. 81548, February 20, 1998) the Illinois Supreme Court declared that this was an unconstitutional mandatory rebuttable presumption.

IMPORTANT: This offense becomes aggravated home repair fraud in violation of Subsection 5 of this Section when the victim is a person 60 years of age or older, or a disabled person as defined in Section 16-1.3 of the Criminal Code of 1961. When charging Aggravated Home Repair Fraud, simply allege the commission of the offense as noted above and add the enhancing elements of the age or condition of the victim. See Subsection 5(a)(b) and (c) for penalties for aggravated home repair fraud.

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

Legislative History: Created - P.A. 84-1270 (August 11,1986).

CHARGE: Felony (Class 4)

BOND: Must be Set by Judge

815 ILCS 515/ 3(b)(1)

HOME REPAIR FRAUD

In violation of SECTION 3(b)(1) of ACT 515 of CHAPTER 815 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of _____, defendant, (defendant's name), knowingly damaged the home¹ of Don Smith located at 777 May Street, Union City, Illinois, by tearing twenty-seven shingles off of the roof of that home and the defendant did so with the intent to enter into a contract² with Don Smith for the repair of that roof.

¹or any property; ²or an agreement

NOTE: An alternative method of violating this subsection is where the defendant misrepresents himself or another to be an employee or agent of any unit of the Federal, State, or Municipal government, or any other governmental unit, or an employee of any public utility, with the intent to cause a person to enter into, with the defendant or another, any contract or agreement for home repair.

CHARGING NOTES: A violation of Paragraphs (1), (2) or (4) of subsection (a) of Section 3 of this Act is a Class 4 felony when the amount of the contract or agreement is more than \$1,000, a Class A misdemeanor if it is \$1,000 or less, and a Class 4 felony for a second or subsequent offense if it was for \$1,000 or less. The charging instrument must state the prior conviction. See Appendix A. If 2 or more such contracts or agreements exceed an aggregate amount of \$1,000 or more and they are with the same victim by one or more defendants in furtherance of a

common scheme, design or intention, it is a Class 4 felony. A violation of Paragraph (3) of subsection (a) of Section 3 of this Act is a Class 3 felony when the amount of the contract or agreement is for more than \$10,000 and a Class 4 felony when the amount is for \$10,000 or less. A violation of Paragraphs (1) or (2) of subsection (b) of Section 3 of this Act shall be a Class 4 felony. See the Sentencing Guide.

IMPORTANT: This offense becomes aggravated home repair fraud in violation of Subsection 5 of this Section when the victim is a person 60 years of age or older, or a disabled person as defined in Section 16-1.3 of the Criminal Code of 1961. When charging Aggravated Home Repair Fraud, simply allege the commission of the offense as noted above and add the enhancing elements of the age or condition of the victim. See Subsection 5(a)(b) and (c) for penalties for aggravated home repair fraud.

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

CHARGE: Felony (Class 4)

BOND: Must be Set by Judge
