

11.49

Definition Of Threatening Public Officials; Human Service Providers

A person commits the offense of threatening a [(public official) (human service provider)] when he knowingly delivers or conveys, directly or indirectly, to a [(public official) (human service provider)] by any means a communication containing a threat

[1] that would place the [(public official) (human service provider)] [or a member of his immediate family] in reasonable apprehension of immediate or future [(bodily harm) (sexual assault) (confinement) (restraint)]

[or]

[2] that would place the [(public official) (human service provider)] [or a member of his immediate family] in reasonable apprehension that damage will occur to property in the custody, care, or control of the [(public official) (human service provider)] [or his immediate family];

and

[1] the threat was conveyed because of the performance or nonperformance of some [(public duty) (duty as a human service provider)].

[or]

[2] the threat was conveyed because of the hostility of the person making the threat toward the status or position of [(the public official) (human service provider)].

[or]

[3] the threat was conveyed because of any other factor relating to the official's public existence.

Committee Note

Instruction and Committee Note Approved May 2, 2014.

720 ILCS 5/12-9 (West 2013), amended by P.A. 91-335, effective January 1, 2000, adding a duly appointed assistant State's Attorney to the definition of "public official", amended by P.A. 91-387 effective January 1, 2000, substituting "by any means a communication" for "any telephone communication, letter, paper, writing, print, missive, or document containing a threat to take the life of or to inflict great bodily harm upon the public official or a member of his immediate family and", amended by P.A. 92-16 effective June 28, 2001, amended by P.A. 95-466 effective June 1, 2008, adding paragraph [a-5], amended by P.A. 96-1551 effective July 1, 2011, deleting "the offense of" and "and willfully" from paragraph [a] and adding assistant Attorney General and Appellate Prosecutor to the definition of "public official", amended by

P.A. 97—1079 effective January 1, 2013, adding paragraph [a-6], amended by P.A. 98-529 effective January 1, 2014, adding “human service providers” as persons covered under the act and defining “human service provider”.

Give Instruction 11.50

When applicable, give Instruction 11.49A, defining a “public official”.

When applicable, give Instruction 11.49B, defining “human service provider”.

Use applicable bracketed material.

The bracketed numbers are present solely for the guidance of court and counsel and should not be included in the instruction submitted to the jury.