

22.26 Issues In Escape--Penal Institution, Work Release Or Department of Human Services

To sustain the charge of escape, the State must prove the following propositions:

First Proposition: That the defendant was [(convicted) (charged with the commission)] of ____; and

Second Proposition: That the defendant intentionally escaped from [(any penal institution) (the custody of an employee of a penal institution)] [(.) (; and)]

[*Third Proposition:* That when the defendant did so, he was armed with a dangerous weapon.]

[or]

First Proposition: That the defendant was convicted of _____; and

Second Proposition: That the defendant knowingly failed to [(report to a penal institution) (report for periodic imprisonment at any time) (return from furlough) (return from work release) (return from day release) (abide by the terms of home confinement)] [(.) (; and)]

[*Third Proposition:* That when the defendant did so, he was armed with a dangerous weapon.]

[or]

First Proposition: That the defendant was in the custody of the Department of Human Services under [(the provisions of the Sexually Violent Persons Commitment Act) (a detention order) (a commitment order) (a conditional release order) (a court order)]; and

Second Proposition: That the defendant intentionally escaped from [(any secure residential facility) (a Department of Human Services employee) (an agent of the Department of Human Services)] [(.) (; and)]

[*Third Proposition:* That when the defendant did so, he was armed with a dangerous weapon.]

[or]

First Proposition: That the defendant was in the lawful custody of a peace officer for an alleged violation of a term or condition of [(probation) (conditional discharge) (parole) (aftercare release) (mandatory supervised release) (supervision)]; and

Second Proposition: That the defendant intentionally escaped from custody [(.) (; and)]

[*Third Proposition:* That when the defendant did so, he was armed with a dangerous weapon.]

If you find from your consideration of all the evidence that each one of these propositions has been proved beyond a reasonable doubt, you should find the defendant guilty.

If you find from your consideration of all the evidence that any one of these propositions has not been proved beyond a reasonable doubt, you should find the defendant not guilty.

Committee Note

Instruction and Committee Note Approved April 29, 2016

720 ILCS 5/31-6(a), (b), (b-1) and (c) (West, 2016), amended by P.A. 95-839, effective August 15, 2008; Amended by P. 95-921, effective January 1, 2009; Amended by P.A. 96-328, effective August 11, 2009; amended by P.A. 98-558, effective January 1, 2014; Amended by P.A. 98-770, effective January 1, 2015.

Give Instruction 22.25.

When applicable, insert in the blank the specific offense. See Committee Notes to Instructions 4.04 and 4.06.

Whether the defendant was armed with a dangerous weapon is a question for the jury when the character of the weapon is doubtful and the question depends upon the manner of its use. In such cases, the term “dangerous weapon” should be defined in accordance with Instruction 4.17. See *People v. Skelton*, 83 Ill.2d 58, 414 N.E.2d 455 (1980). If the trial court has determined as a matter of law that the object, such as a gun, is an inherently dangerous weapon, the term “dangerous weapon” need not be defined. See *People v. Estes*, 37 Ill.App.3d 889, 346 N.E.2d 469 (4th Dist. 1976). See also *People v. Ford*, 34 Ill.App.3d 79, 339 N.E.2d 293 (1st Dist. 1975).

The Third Proposition should only be given when the defendant is charged with being armed with a dangerous weapon.

Use applicable bracketed material.

When accountability is an issue, ordinarily insert the phrase “or one for whose conduct he is legally responsible” after the word “defendant” in each proposition. See Instruction 5.03

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