

17.10

Issues In Delivery Of Cannabis--Enhancing Factors Based Upon Age

To sustain the charge of the delivery of cannabis to a person under 18 years of age [when the substance containing the cannabis weighed [(more than ____ grams) (more than ____ grams but not more than ____ grams)]], the State must prove the following propositions:

First Proposition: That the defendant was 18 years of age or older on the date in question; and

Second Proposition: That the defendant knowingly delivered a substance containing cannabis; and

Third Proposition: That the person to whom the substance was delivered by the defendant was under 18 years of age and at least 3 years junior to the defendant on the date in question.

[or]

Third Proposition: That the person to whom the substance was delivered by the defendant was under 18 years of age and at least 3 years junior to the defendant on the date in question; and

Fourth Proposition: That the weight of the substance delivered was [(more than ____ grams) (more than ____ grams but not more than ____ grams)].

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

720 ILCS 550/7 (West, 1999) (formerly Ill.Rev.Stat. ch. 561/2, §707).

Give Instruction 17.09.

See Committee Note to Instruction 17.01, concerning verdict forms and for directions on how the jury should be instructed when the weight of the substance containing cannabis is an issue.

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.