

8.04
Definition Of Aggravated Kidnapping

A person who kidnaps another commits the offense of aggravated kidnapping when [1] he kidnaps for the purpose of obtaining ransom.

[or]

[2] the victim is [(a child under the age of 13 years) (an institutionalized severely or profoundly mentally retarded person)].

[or]

[3] he [(inflicts great bodily harm) (commits ____)] upon the victim.

[or]

[4] he [(wears a hood, robe, or mask) (conceals his identity)].

[or]

[5] he does so while armed with a dangerous weapon.

Committee Note

720 ILCS 5/10-2 (West 1992) (formerly Ill.Rev.Stat. ch. 38, §10-2 (1991)), amended by P.A. 85-1392, effective January 1, 1989.

Give Instruction 8.01 and either Instruction 8.05, 8.05A, or 8.05B. The underlying offense of kidnapping can be committed in one of three ways: (1) secret confinement (see Section 10-1(a)(1)); (2) carrying another by force or threat of imminent force (see Section 10-1(a)(2)); or (3) inducing travel by deceit or enticement (see Section 10-1(a)(3)). When the defendant is charged under Section 10-1(a)(1), give this instruction and Instruction 8.05. When the defendant is charged under Section 10-1(a)(2), give this instruction and Instruction 8.05A. When the defendant is charged under Section 10-1(a)(3), give this instruction and Instruction 8.05B.

Give Instruction 8.04A, defining the word “ransom” when paragraph [1] is used.

Give Instruction 8.03 when the defendant is charged with confining a child under the age of 13 years against his will.

When the victim is alleged to be an institutionalized severely or profoundly mentally retarded person, give Instruction 11.65G, defining that term.

In paragraph [3], insert in the blank the name of the applicable felony and give the instruction defining that felony immediately following this instruction.

When paragraph [5] is used, give the definition of the term “dangerous weapon” which is found in 720 ILCS 5/33A-1 (1992) (formerly Ill.Rev.Stat. ch. 38, §33A-1 (1991)). See Committee Note to Instruction 4.17.

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.