

DEPAUL UNIVERSITY COLLEGE OF LAW
Lewis Room 901

ADVANCED ILLINOIS CRIMINAL LAW

Professor Peter G. Baroni

Fall 2008

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Required Text:

Decker, ILLINOIS CRIMINAL LAW: STUDENT EDITION (4th ed. Lexis, 2006) (textbook with pertinent Illinois statutory provisions) (ISBN #0-820-57097-4).

2008 West Illinois Criminal Law and Procedure (ISBN: 978-0-314-96724-4).

Evaluation:

Students attending the class will be evaluated based on their success on a traditional classroom examination. Students are expected to be prepared to discuss the assigned material and cases. Pursuant to DePaul University College of Law policies, students are expected to appear for class. More than two unexcused absences may result in a failing grade. Students are subject to testing on all assigned reading and lecture materials.

General Course Outline:

Classes will have handouts produced and distributed by Prof. Baroni.

Class #1

August 28, 2008 – Assignment: Decker Chapter 1 and related sections of the Criminal Code

A. Introduction

1. Historical Background of the Illinois Criminal Code of 1961
2. Examining Purposes of Criminal Law
3. Classifications of Offenses
4. Lesser Included Offenses
5. Same Physical Act Doctrine

Class #2

September 4, 2008 – Assignment: Decker Chapter 2 and related sections of the Criminal Code

B. Criminal Act and Mental State

1. A Review of Legal Duties
2. Criminal Possession
3. Elements of Individual Mental States
4. Role of Strict Liability in Criminal Law

Class #3

September 11, 2008 – Assignment: Decker Chap. 3-4 and related sections of the Criminal Code

C. Accountability for the Criminality of Others

1. Review of the Basics
2. Scope and Application contrasted with its plain language

D. Conspiracy

1. Review of the Basics
2. Limits of Illinois Conspiracy Law
3. Is a Federal-Type Racketeering (RICO) Offense Needed?

Class #4

September 18, 2008 – Assignment: Decker Chapter 5 and related sections of the Criminal Code

E. Attempt and Solicitation

1. Review of the Basics
2. Why No Illinois Attempt Second-Degree Murder?
3. Why do we Need Solicitation to Commit Murder?

Class #5

September 25, 2008 – Assignment: Decker Chapter 6 and related sections of the Criminal Code

F. Homicide

1. Review of the Basics
2. The Death Penalty
 - Philosophical Debate
 - Recent Reforms
 - Capital Punishment Reform Study Committee

Class #6

October 2, 2008 – Assignment: Decker Chapter 6 and related sections of the Criminal Code

G. Homicide

1. Changing Landscape in Felony-Murder
2. Felony Murder Rule v. Forcible Felonies -- Applicability
3. Are the Second-Degree Murder Instructions in Need of Reform?
4. Recent Case law on Presumptions in Reckless Homicide
5. Drug-Induced Homicide

Class #7

October 9, 2008 – Assignment: Decker Chapter 7 and related sections of the Criminal Code

H. Kidnapping and Related Offenses

1. Review of the Basics
2. Kidnapping
3. Unlawful Restraint
4. Child Abduction

Class #8

October 16, 2008 – Assignment: Decker Chapters 8 and related sections of the Criminal Code

I. Sex Offenses

1. Is the Criminal Sexual Assault Act in Need of Further Reform?
2. Propriety of Criminalizing Sexual Behavior Between Consenting Adults
3. Child Protection Measures, Including Child Pornography

Class #9

October 23, 2008 – Assignment: Decker Chapters 9 and related sections of the Criminal Code

J. Assault, Battery, and Related Offenses

1. Review of the Basics
2. Armed Violence
3. Home Invasion
4. Hate Crime
5. Intimidation
6. Stalking

Class #10

October 30, 2008 – Assignment: Decker Chapters 11 and related secs. of the Criminal Code

K. Theft and Related Offenses

1. Review of the Basics
2. Does Illinois Have Too Many Theft Offenses? (e.g., theft of library materials?)
3. The New Illinois Financial Crime Law
4. Others

Class #11

November 6, 2008 – Assignment: Decker Chapter 12 and related sections of the Criminal Code

L. Robbery, Armed Robbery and Related Offenses

1. Review of the Basics
2. The New Illinois Aggravated Robbery Statute
3. Vehicular Hijacking

Class #12

November 13, 2008 – Assignment: Decker Chapter 13 and related sections of the Criminal Code

M. Burglary, Arson, and Other Offenses Against Property

1. Review of the Basics
2. Criminal Destruction of Property
3. Criminal Trespass
4. The New Illinois Causing Catastrophe Offense
5. Other Property Related Offenses

Class #13

November 20, 2008 – Assignment: Decker Chap. 14 & 15 and related secs. of the Criminal Code

N. Offenses Affecting Governmental Functions

1. The Expansion of Obstruction of Justice
2. Resisting a Peace Officer
3. Perjury;
4. Bribery
5. Official Misconduct

6. Violation of Order of Protection
- O. Offenses Affecting the Public Health, Safety, and Decency**
 1. The Multitude of Weapon Offenses
 2. Mob Action
 3. Disorderly Conduct
 4. Gambling
 5. Commercial Bribery
 6. Money Laundering
 7. Terrorism

Class #14

December 4, 2008 -- Assignment: Decker Ch. 16 and related secs. of the Criminal Code

P. Drug Control Laws

1. Cannabis Control
2. Controlled Substances -- The Basics
3. Possession
4. Manufacture, Distribution and Possession with Intent to Manufacture or Distribute
5. Criminal Drug Conspiracy
6. Streetgang Criminal Drug Conspiracy
7. Controlled Substance Trafficking
8. Drug Paraphernalia Control Act

Q. Exam Review

Possible Additional Subject Matter the Class may cover – time permitting:

Assignment: Decker Chapters 17-19 and related sections of the Criminal Code

R. Defense of Person and Property

1. Review of the Basics
2. Self Defense
3. Defense of Dwelling

S. Defenses Due to Lack of Criminal Responsibility

1. Insanity
2. Intoxication

T. Miscellaneous Defenses

1. Mistake
2. Compulsion
3. Necessity
4. Entrapment
5. Public Authority
6. Other Justifications or Excuses

FINAL IN-CLASS EXAMINATION – TUESDAY, DECEMBER 16, 2008 – 6:00 p.m.