Course Logistics

Location: Corboy Law Center Room 1002
Day & Time of Class: Thursdays 2-4pm

Code of Conduct

The Loyola University Chicago School of Law Code of Conduct shall govern all aspects of this class. See, https://www.luc.edu/media/lucedu/law/fyi/pdfs/Code_of_Conduct.pdf.

Required Materials

(1) Decker/Kopacz, ILLINOIS CRIMINAL LAW (6th ed. Lexis 2018) (ISBN: 978-1-5221-5094-7) or the electronic version of this publication;

(2) Applicable statutory provisions of the Illinois Criminal Code of 2012 for each class lecture printed out or electronically accessible in class from the following online resource: http://www.ilga.gov/legislation/ilcs/ilcs3.asp?ActID=1876&ChapterID=53;

(3) Handouts/online at SAKAI -- material produced/distributed/posted by Prof. Baroni.

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Course Description

This course will be an in-depth review and evaluation of Illinois criminal law and the policies behind those laws. The class will focus on the practical application of criminal law in statutes, as well as the court system. It will also encompass a consideration of the policies that drive the enactment and interpretation of criminal law by the legislative, executive and judicial branches of government.
Educational Goals, Objectives, and Student Learning Outcomes

Loyola University of Chicago School of Law has carefully developed its academic program and classes so that its students achieve a specific set of educational goals, objectives, and student learning outcomes. This class will serve many of those goals, objectives, and outcomes.

Students in this class will become equipped with essential knowledge in the area of Illinois criminal law and policy.

In addition, students will develop fundamental lawyering skills, including: developing strategies for solving problems; analyzing and applying legal rules and principles; communicating effectively, both orally and in writing; counseling clients about decisions and courses of action; negotiating legal dispute outcomes; ethically advocating for clients; understanding the import of competent representation of clients; the skills needed to pass the bar examination; and understanding the import of recent developments in the law on pending cases and the potential effect on client representation.

Teaching Philosophy

I try to teach in a way that promotes student learning. Many students prefer and learn best with a pure lecture. However, research does not support this; applied and active learning is generally shown to result in better retention of information, as well as a deeper understanding of material. Active learning requires that you be fully engaged in our class discussions and exercises, and that you be respectful of your colleagues. The course requirements include a few components aimed at encouraging active learning to help deepen your understanding.

Class Assignments

Your primary assignments for class will consist of reading material in the Decker treatise ILLINOIS CRIMINAL LAW: STUDENT EDITION and the Illinois Criminal Code of 2016 online at http://www.ilga.gov/legislation/ilcs/ilcs3.asp?ActID=1876&ChapterID=53. To assist your understanding, I will provide materials on SAKAI to guide you through the assigned reading.

Class Attendance & Preparation

You are expected to attend class regularly and be fully prepared to discuss the assigned material. Students who regularly miss class violate ABA rules and may be precluded from taking the final. If you need to miss class, please let me know by email either in advance, or as soon thereafter as possible.
Course Requirements

“Regular” and Engaged Participation: Class participation is an essential part of the law school experience, as well as a good introduction to the realities of legal practice in which you will often be asked to deliver an opinion orally. Consequently, I may call on students randomly to respond to questions concerning the reading, or hypotheticals presented in class. This questioning is intended to aid you in improving oral communication skills. I also encourage you to listen respectfully to the questions and comments of your classmates.

Although I am a believer in using technology to enhance learning, I am also aware that some technology, such as laptops and/or the internet can negatively impact learning. Commonly cited problems with laptops are that they seem to encourage verbatim transcription of class discussion, rather than focusing on most important themes, as well as distractions that occur when the laptop is used for purposes other than note-taking. Although many students believe that they can “multi-task,” studies suggest that the concept of multi-tasking is more of a myth; some new instead suggest that a more appropriate term is “constant partial attention,” which actually results in lower productivity. Accordingly, some professors, as well as entire law schools, have banned internet access and/or laptops from the classroom.

I do not believe that taking notes on laptops is necessary or even always beneficial to every student. However, I will permit students to use laptops in class if they are used responsibly for legitimate class purposes. You are not to use laptops to play games, surf the web, use email or other uses unrelated to class. In addition, please remember that if you use your laptop inappropriately, it may serve as a distraction to everyone around and in back of you who can easily see your screen. Similarly, please refrain from using other electronic devices in class, such as cell phones, iPods or tablets; you should ideally have these devices turned “off” and not be using any applications on these devices, including, but not limited to text messages.

If I find students abusing the privilege of using laptops or other electronic devices, I reserve the right to ban their use – either for individual students or the entire class. In addition, I will consider students who inappropriately use laptops to be absent from class (because they are indeed mentally absent) for the purpose of class participation.

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Assessments of Student Learning

Your final grade will be calculated based on:

**60% Final Exam** (anonymously graded based on an exam ID you will be provided);

**40% Class Participation**

*Final Exam:* A majority of your grade will be based on a comprehensive 2-hour final exam after classes conclude. The final aims to address all the substantive material covered throughout the semester. The final will consist of essay questions that will simulate real issues faced by practicing attorneys, policy makers and judges; the questions will require you to identify and analyze a variety of issues that test your knowledge and application of laws.

*Form:* The final exam will be **closed book** – this means that you cannot consult any written material (including your case book, handouts and commercial material). I advise all students to prepare for the final by focusing on the lecture subject matter, assigned reading, handouts and posted materials; the better you know that material, the more likely you are to finish the exam and demonstrate your knowledge.

*Class Participation:* Class participation is a part of your grade and designed to give you credit for the level and quality of your engagement in class discussions.

Access to Students

I want to be as available to you as possible. Please feel free to contact me at peter@ilesq.com, if you would like to ask a question about the class material. If you would like to meet with me in person, please e-mail me with some available times so that we can coordinate a mutually acceptable time. If you want to catch me in person, I suggest you see me after class.

Tentative Outline of Course Topics

The following is an outline of topics that we will cover during the semester. Please note that what is listed here may evolve as issues emerge from our discussions in class.

Class discussion will focus primarily on highlights of the materials; not every case or note that has been assigned will be discussed in class. You are responsible for completing all of the assigned readings, regardless of whether they are directly discussed in class.
Class #1
August 23, 2018 – Assignment: Decker Chapter 1 and related sections of the Criminal Code

A. Introduction
1. Historical Background
2. Scope and Purpose of Illinois Criminal Law
3. Classifications of Offenses
4. Lesser Included Offenses
5. Summary of Changes to the Criminal Code in 2008-2012 (CLEAR Initiative)

Class #2
August 30, 2018 – 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 6, 2018 – 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 former plain language
3. Recent Changes to Accountability

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

Class #4
September 13, 2018 – 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?
4. Lesser Included Offenses of Attempt and Solicitation
F. Homicide
   1. The Death Penalty and its Demise
      • Philosophical Debate
      • Capital Punishment Reform Study Committee
      • Death Penalty Repeal in Illinois
   2. Recent Changes to the Homicide Article
   3. Changing Landscape in Felony-Murder
   4. Felony Murder Rule v. Forcible Felonies -- Applicability
   5. New Defense in Second-Degree Murder Statute
   6. Recent Case law on Presumptions in Reckless Homicide
   7. Drug-Induced Homicide

G. Kidnapping and Related Offenses
   1. Review of the Basics
   2. Kidnapping & Unlawful Restraint
   3. Recent Changes and Problems with Child Abduction Statute

H. Sex Offenses
   1. Is the Criminal Sexual Assault Act in Need of Further Reform?
   2. Propriety of Criminalizing Sexual Behavior between Consenting Adults
      • No Means Yes: The Failure of Sex Assault Reform Efforts in the U.S.
   4. Recent Changes to the Sex Offenses Article
   5. Debate Relating to Sexual Behavior and Due Process

I. Assault, Battery, and Related Offenses
   1. Review of the Basics
   2. Armed Violence
   3. Home Invasion
   4. Hate Crime
   5. Intimidation
   6. Stalking
   7. Recent Changes to the Bodily Harm Article
Class #9  
October 18, 2018 – Assignment: Decker Chapters 10-11 and related secs. of the Criminal Code

  J. Eavesdropping; Theft and Related Offenses  
    1. Review of the Basics  
    2. Did Illinois Have Too Many Theft Offenses?  
    3. Deception and Fraud  
    4. Recent Changes to the Theft and Deception/Fraud Articles  
    5. Recent Changes in Eavesdropping Enforcement in Illinois

Class #10  
October 25, 2018 – Assignment: Decker Chapters 12-13 and related secs. of the Criminal Code

  K. Robbery, Armed Robbery and Related Offenses  
    1. Review of the Basics  
    2. Illinois’ Aggravated Robbery Statute  
    3. Vehicular Hijacking  

  L. Burglary, Arson, and Other Offenses Against Property  
    1. Review of the Basics  
    2. Criminal Destruction of Property  
    3. Criminal Trespass  
    4. Other Property Related Offenses

Class #11  
November 1, 2018 – Assignment: Decker Chap. 14-15 and related sections of the Criminal Code

  M. Offenses Affecting Governmental Functions  
    1. The Expansion of Obstruction of Justice  
    2. Recent Case Law Changes in Resisting/Obstructing a Peace Officer  
    3. Perjury; Bribery  
    4. Official Misconduct  
    5. Violation of Order of Protection

  N. 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; Terrorism
Class #12
November 8, 2018 – Assignment: Decker Chap. 16 and related sections of the Criminal Code

O. Drug Control Laws
1. Cannabis Control – Civil Enforcement – Public Act 99-
2. Controlled Substances -- The Basics
3. Possession
4. Manufacture, Distribution and Possession with Intent to Manufacture or Distribute
5. Debate New Legal Medical Cannabis in Illinois -- Public Act 98-0122
6. Adult Use – Legalization – Tax & Regulate Debate

Class #13
November 15, 2018 – Assignment: Decker Chapter 17-18 and related secs. of the Criminal Code

P. Defense of Person and Property
1. Review of the Basics
2. Self Defense
3. Defense of Dwelling

Q. Defenses Due to Lack of Criminal Responsibility
1. Insanity
2. Intoxication

Class #14
November 29, 2018 – Assignment: Decker Chap. 19 and related sections of the Criminal Code

R. Miscellaneous Defenses
1. Mistake
2. Compulsion
3. Necessity & Entrapment
4. Public Authority
5. Other Justifications or Excuses

S. Exam Review

Final Exam -- December 6, 2018 – 9:00am