

1 AN ACT concerning criminal law.

2 Be it enacted by the People of the State of Illinois,  
3 represented in the General Assembly:

4 Section 5. The Criminal Code of 1961 is amended by  
5 changing Section 8-2 as follows:

6 (720 ILCS 5/8-2) (from Ch. 38, par. 8-2)

7 Sec. 8-2. Conspiracy.

8 (a) Elements of the offense. A person commits conspiracy  
9 when, with intent that an offense be committed, he agrees  
10 with another to the commission of that offense. No person may  
11 be convicted of conspiracy to commit an offense unless an act  
12 in furtherance of such agreement is alleged and proved to  
13 have been committed by him or by a co-conspirator.

14 (b) Co-conspirators.

15 It is shall not be a defense to conspiracy that the  
16 person or persons with whom the accused is alleged to have  
17 conspired:

- 18 (1) Has not been prosecuted or convicted, or
- 19 (2) Has been convicted of a different offense, or
- 20 (3) Is not amenable to justice, or
- 21 (4) Has been acquitted, or
- 22 (5) Lacked the capacity to commit an offense.

23 (c) Sentence.

24 A person convicted of conspiracy may be fined or  
25 imprisoned or both not to exceed the maximum provided for the  
26 offense which is the object of the conspiracy, except that if  
27 the object is an offense prohibited by Sections 11-15, 11-16,  
28 11-17, 11-19, 24-1 (a) (1), 24-1 (a) (7), 28-1, 28-3 and 28-4  
29 of the "Criminal Code of 1961", approved July 28, 1961, as  
30 amended, or prohibited by Sections 404 or 406 (b) of the  
31 "Illinois Controlled Substances Act", enacted by the 77th

1 General Assembly, or an inchoate offense related to any of  
2 the aforesaid principal offenses, the person convicted may be  
3 sentenced for a Class 3 felony however, conspiracy to commit  
4 treason, first degree murder, or aggravated kidnapping shall  
5 not be sentenced in excess of a Class 2 felony, and  
6 conspiracy to commit any offense other than those specified  
7 in this subsection, and other than those set forth in  
8 Sections 401, 402, or 407 of the Illinois Controlled  
9 Substances Act, shall not be sentenced in excess of a Class 4  
10 felony.

11 (Source: P.A. 86-809.)