



93RD GENERAL ASSEMBLY

State of Illinois

2003 and 2004

Introduced 02/06/04, by Michael J. Madigan

SYNOPSIS AS INTRODUCED:

720 ILCS 5/8-2

from Ch. 38, par. 8-2

Amends the Criminal Code of 1961. Makes a technical change to a Section concerning conspiracy.

LRB093 17133 RLC 42799 b

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 changing
5 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 with
10 another to the commission of that offense. No person may be
11 convicted of conspiracy to commit an offense unless an act in
12 furtherance of such agreement is alleged and proved to have
13 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 person
16 or persons with whom the accused is alleged to have conspired:

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

22 (c) Sentence.

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

1 sentenced for a Class 3 felony however, conspiracy to commit
2 treason, first degree murder, or aggravated kidnapping shall
3 not be sentenced in excess of a Class 2 felony, and conspiracy
4 to commit any offense other than those specified in this
5 subsection, and other than those set forth in Sections 401,
6 402, or 407 of the Illinois Controlled Substances Act, shall
7 not be sentenced in excess of a Class 4 felony.

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