

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

14 (b) Co-conspirators.

15 It shall not be a defense to conspiracy that the person or  
16 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,  
3 aggravated criminal sexual assault, or predatory criminal  
4 sexual assault of a child is a Class 1 ~~shall not be sentenced~~  
5 ~~in excess of a Class 2~~ felony, and conspiracy to commit any  
6 offense other than those specified in this subsection, and  
7 other than those set forth in Sections 401, 402, or 407 of the  
8 Illinois Controlled Substances Act, shall not be sentenced in  
9 excess of a Class 4 felony.

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

11 Section 99. Effective date. This Act takes effect upon  
12 becoming law.