



## 94TH GENERAL ASSEMBLY

### State of Illinois

2005 and 2006

SB1162

Introduced 2/18/2005, by Sen. John J. Cullerton - Emil Jones, Jr.

#### SYNOPSIS AS INTRODUCED:

720 ILCS 5/8-2

from Ch. 38, par. 8-2

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

LRB094 04848 RLC 34877 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 ~~the~~ offense. A person commits  
9 conspiracy when, with intent that an offense be committed, he  
10 agrees with another to the commission of that offense. No  
11 person may be convicted of conspiracy to commit an offense  
12 unless an act in furtherance of such agreement is alleged and  
13 proved to have been committed by him or by a 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 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.)