

SB2856



94TH GENERAL ASSEMBLY
State of Illinois
2005 and 2006
SB2856

Introduced 1/20/2006, by Sen. Jeffrey M. Schoenberg

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 17911 RLC 53214 b

A BILL FOR

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

9 (Source: P.A. 94-184, eff. 7-12-05.)