

# HB6461



## 96TH GENERAL ASSEMBLY

### State of Illinois

2009 and 2010

**HB6461**

Introduced 2/18/2010, by Rep. Michael J. Madigan - Barbara Flynn Currie

#### 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.

LRB096 21100 RLC 36951 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 the  
9 offense of conspiracy when, with intent that an offense be  
10 committed, he or she agrees with another to the commission of  
11 that offense. No person may be convicted of conspiracy to  
12 commit an offense unless an act in furtherance of that  
13 agreement is alleged and proved to have been committed by him  
14 or her or by a co-conspirator.

15 (b) Co-conspirators. It is not a defense to conspiracy that  
16 the person or persons with whom the accused is alleged to have  
17 conspired:

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

23 (c) Sentence.

1           (1) Except as otherwise provided in this subsection or  
2 Code, a person convicted of conspiracy to commit:

3           (A) a Class X felony shall be sentenced for a Class  
4 1 felony;

5           (B) a Class 1 felony shall be sentenced for a Class  
6 2 felony;

7           (C) a Class 2 felony shall be sentenced for a Class  
8 3 felony;

9           (D) a Class 3 felony shall be sentenced for a Class  
10 4 felony;

11           (E) a Class 4 felony shall be sentenced for a Class  
12 4 felony; and

13           (F) a misdemeanor may be fined or imprisoned or  
14 both not to exceed the maximum provided for the offense  
15 that is the object of the conspiracy.

16           (2) A person convicted of conspiracy to commit any of  
17 the following offenses shall be sentenced for a Class X  
18 felony:

19           (A) aggravated insurance fraud conspiracy when the  
20 person is an organizer of the conspiracy (720 ILCS  
21 5/46-4); or

22           (B) aggravated governmental entity insurance fraud  
23 conspiracy when the person is an organizer of the  
24 conspiracy (720 ILCS 5/46-4).

25           (3) A person convicted of conspiracy to commit any of  
26 the following offenses shall be sentenced for a Class 1

1 felony:

2 (A) first degree murder (720 ILCS 5/9-1); or

3 (B) aggravated insurance fraud (720 ILCS 5/46-3)

4 or aggravated governmental insurance fraud (720 ILCS  
5 5/46-3).

6 (4) A person convicted of conspiracy to commit  
7 insurance fraud (720 ILCS 5/46-3) or governmental entity  
8 insurance fraud (720 ILCS 5/46-3) shall be sentenced for a  
9 Class 2 felony.

10 (5) A person convicted of conspiracy to commit any of  
11 the following offenses shall be sentenced for a Class 3  
12 felony:

13 (A) soliciting for a prostitute (720 ILCS  
14 5/11-15);

15 (B) pandering (720 ILCS 5/11-16);

16 (C) keeping a place of prostitution (720 ILCS  
17 5/11-17);

18 (D) pimping (720 ILCS 5/11-19);

19 (E) unlawful use of weapons under Section  
20 24-1(a)(1) (720 ILCS 5/24-1(a)(1));

21 (F) unlawful use of weapons under Section  
22 24-1(a)(7) (720 ILCS 5/24-1(a)(7));

23 (G) gambling (720 ILCS 5/28-1);

24 (H) keeping a gambling place (720 ILCS 5/28-3);

25 (I) registration of federal gambling stamps  
26 violation (720 ILCS 5/28-4);

1 (J) look-alike substances violation (720 ILCS  
2 570/404);

3 (K) miscellaneous controlled substance violation  
4 under Section 406(b) (720 ILCS 570/406(b)); or

5 (L) an inchoate offense related to any of the  
6 principal offenses set forth in this item (5).

7 (Source: P.A. 96-710, eff. 1-1-10.)