

SB1312



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

SB1312

Introduced 2/10/2009, by Sen. John J. Cullerton

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.

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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

1 or both not to exceed the maximum provided for the offense
2 which is the object of the conspiracy, except that if the
3 object is an offense prohibited by Sections 11-15, 11-16,
4 11-17, 11-19, 24-1(a)(1), 24-1(a)(7), 28-1, 28-3 and 28-4 of
5 the "Criminal Code of 1961", approved July 28, 1961, as
6 amended, or prohibited by Sections 404 or 406 (b) of the
7 "Illinois Controlled Substances Act", enacted by the 77th
8 General Assembly, or an inchoate offense related to any of the
9 aforesaid principal offenses, the person convicted may be
10 sentenced for a Class 3 felony however, conspiracy to commit
11 treason, first degree murder, aggravated kidnapping,
12 aggravated criminal sexual assault, or predatory criminal
13 sexual assault of a child is a Class 1 felony, and conspiracy
14 to commit any offense other than those specified in this
15 subsection, and other than those set forth in Sections 401,
16 402, or 407 of the Illinois Controlled Substances Act, shall
17 not be sentenced in excess of a Class 4 felony.

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