

HB5279



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

HB5279

Introduced 2/8/2012, by Rep. William Cunningham

SYNOPSIS AS INTRODUCED:

720 ILCS 5/31-4

from Ch. 38, par. 31-4

Amends the Criminal Code of 1961. Provides that it is not a required element of obstructing justice that the conduct defining the offense actually or materially prevents the apprehension of, or actually or materially obstructs the prosecution or defense of, any person.

LRB097 15863 RLC 61106 b

CORRECTIONAL
BUDGET AND
IMPACT NOTE ACT
MAY APPLY

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 31-4 as follows:

6 (720 ILCS 5/31-4) (from Ch. 38, par. 31-4)

7 Sec. 31-4. Obstructing justice.

8 (a) A person obstructs justice when, with intent to prevent
9 the apprehension or obstruct the prosecution or defense of any
10 person, he knowingly commits any of the following acts:

11 (1) ~~(a)~~ Destroys, alters, conceals or disguises
12 physical evidence, plants false evidence, furnishes false
13 information; or

14 (2) ~~(b)~~ Induces a witness having knowledge material to
15 the subject at issue to leave the State or conceal himself;
16 or

17 (3) ~~(c)~~ Possessing knowledge material to the subject at
18 issue, he leaves the State or conceals himself.

19 (b) It is not a required element of obstructing justice
20 that the conduct set forth in subsection (a) actually or
21 materially prevents the apprehension of, or actually or
22 materially obstructs the prosecution or defense of, any person.

23 (c) ~~(d)~~ Sentence.

1 (1) Obstructing justice is a Class 4 felony, except as
2 provided in paragraph (2) of this subsection (c) ~~(d)~~.

3 (2) Obstructing justice in furtherance of streetgang
4 related or gang-related activity, as defined in Section 10
5 of the Illinois Streetgang Terrorism Omnibus Prevention
6 Act, is a Class 3 felony.

7 (Source: P.A. 90-363, eff. 1-1-98.)