

HB0919



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

HB0919

Introduced 01/31/11, by Rep. Michael J. Madigan

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.

LRB097 03739 RLC 43776 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.)