97TH GENERAL ASSEMBLY
State of Illinois
2011 and 2012
SB2793

Introduced 1/18/2012, by Sen. John J. Cullerton

SYNOPSIS AS INTRODUCED:

720 ILCS 5/8-2 from Ch. 38, par. 8-2


LRB097 16190 RLC 61343 b
AN ACT concerning criminal law.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Criminal Code of 1961 is amended by changing Section 8-2 as follows:

(720 ILCS 5/8-2) (from Ch. 38, par. 8-2)
Sec. 8-2. Conspiracy.
(a) Elements of the offense. A person commits the offense of conspiracy when, with intent that an offense be committed, he or she agrees with another to the commission of that offense. No person may be convicted of conspiracy to commit an offense unless an act in furtherance of that agreement is alleged and proved to have been committed by him or her or by a co-conspirator.

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

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

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

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

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

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

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

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

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

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

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

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

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

(A) first degree murder (720 ILCS 5/9-1); or
(B) aggravated insurance fraud (720 ILCS 5/46-3)
or aggravated governmental insurance fraud (720 ILCS 5/46-3).

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

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

(A) soliciting for a prostitute (720 ILCS 5/11-14.3(a)(1));
(B) pandering (720 ILCS 5/11-14.3(a)(2)(A) or 5/11-14.3(a)(2)(B));
(C) keeping a place of prostitution (720 ILCS 5/11-14.3(a)(1));
(D) pimping (720 ILCS 5/11-14.3(a)(2)(C));
(E) unlawful use of weapons under Section 24-1(a)(1) (720 ILCS 5/24-1(a)(1));
(F) unlawful use of weapons under Section 24-1(a)(7) (720 ILCS 5/24-1(a)(7));
(G) gambling (720 ILCS 5/28-1);
(H) keeping a gambling place (720 ILCS 5/28-3);
(I) registration of federal gambling stamps
(J) look-alike substances violation (720 ILCS 570/404);

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

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

(Source: P.A. 96-710, eff. 1-1-10; 96-1551, eff. 7-1-11.)