

HB2575



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB2575

Introduced 2/20/2009, by Rep. Jim Durkin

SYNOPSIS AS INTRODUCED:

720 ILCS 5/31-4

from Ch. 38, par. 31-4

Amends the Criminal Code of 1961. Changes the penalty for obstructing justice based upon the class of felony or misdemeanor of the underlying offense in which the defendant obstructed justice (rather than a Class 4 felony, or a Class 3 felony if obstructing justice was in furtherance of streetgang related or gang-related activity). Effective immediately.

LRB096 04781 RLC 14845 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 person obstructs justice when, with intent to prevent the
9 apprehension or obstruct the prosecution or defense of any
10 person, he knowingly commits any of the following acts:

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

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

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

18 (d) Sentence.

19 (1) Obstructing justice is a Class X ~~4~~ felony if the
20 defendant obstructed the prosecution or defense of a first
21 degree murder ~~, except as provided in paragraph (2) of this~~
22 ~~subsection (d).~~

23 (2) Obstructing justice ~~in furtherance of streetgang~~

1 ~~related or gang-related activity, as defined in Section 10~~
2 ~~of the Illinois Streetgang Terrorism Omnibus Prevention~~
3 ~~Act,~~ is a Class 1 3 felony if the defendant obstructed the
4 prosecution or defense of a Class X felony.

5 (3) Obstructing justice is a Class 2 felony if the
6 defendant obstructed the prosecution or defense of a Class
7 1 felony.

8 (4) Obstructing justice is a Class 3 felony if the
9 defendant obstructed the prosecution or defense of a Class
10 2 felony.

11 (5) Obstructing justice is a Class 4 felony if the
12 defendant obstructed the prosecution or defense of a:

13 (A) Class 3 felony,

14 (B) Class 4 felony,

15 (C) Class A misdemeanor,

16 (D) Class B misdemeanor,

17 (E) Class C misdemeanor.

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

19 Section 99. Effective date. This Act takes effect upon
20 becoming law.