



93RD GENERAL ASSEMBLY

State of Illinois

2003 and 2004

Introduced 02/09/04, by John J. Millner

SYNOPSIS AS INTRODUCED:

325 ILCS 5/4.02
720 ILCS 5/8-2

from Ch. 23, par. 2054.02
from Ch. 38, par. 8-2

Amends the Abused and Neglected Child Reporting Act and the Criminal Code of 1961 to provide that a person convicted of conspiracy to violate the Abused and Neglected Child Reporting Act is guilty of a Class 4 felony. Effective immediately.

LRB093 18250 AMC 43950 b

CORRECTIONAL
BUDGET AND
IMPACT NOTE ACT
MAY APPLY

1 AN ACT concerning children.

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

4 Section 5. The Abused and Neglected Child Reporting Act is
5 amended by changing Section 4.02 as follows:

6 (325 ILCS 5/4.02) (from Ch. 23, par. 2054.02)

7 Sec. 4.02. Any physician who willfully fails to report
8 suspected child abuse or neglect as required by this Act shall
9 be referred to the Illinois State Medical Disciplinary Board
10 for action in accordance with paragraph 22 of Section 22 of the
11 Medical Practice Act of 1987. Any dentist or dental hygienist
12 who willfully fails to report suspected child abuse or neglect
13 as required by this Act shall be referred to the Department of
14 Professional Regulation for action in accordance with
15 paragraph 19 of Section 23 of the Illinois Dental Practice Act.
16 Any other person required by this Act to report suspected child
17 abuse and neglect who willfully fails to report such is guilty
18 of a Class A misdemeanor for a first violation and a Class 4
19 felony for a second or subsequent violation. A person convicted
20 of conspiracy to violate this Act is guilty of a Class 4
21 felony.

22 (Source: P.A. 91-197, eff. 1-1-00; 92-801, eff. 8-16-02.)

23 Section 10. The Criminal Code of 1961 is amended by
24 changing Section 8-2 as follows:

25 (720 ILCS 5/8-2) (from Ch. 38, par. 8-2)

26 Sec. 8-2. Conspiracy. (a) Elements of the offense. A person
27 commits conspiracy when, with intent that an offense be
28 committed, he agrees with another to the commission of that
29 offense. No person may be convicted of conspiracy to commit an
30 offense unless an act in furtherance of such agreement is

1 alleged and proved to have been committed by him or by a
2 co-conspirator.

3 (b) Co-conspirators.

4 It shall not be a defense to conspiracy that the person or
5 persons with whom the accused is alleged to have conspired:

6 (1) Has not been prosecuted or convicted, or

7 (2) Has been convicted of a different offense, or

8 (3) Is not amenable to justice, or

9 (4) Has been acquitted, or

10 (5) Lacked the capacity to commit an offense.

11 (c) Sentence.

12 A person convicted of conspiracy may be fined or imprisoned
13 or both not to exceed the maximum provided for the offense
14 which is the object of the conspiracy, except that if the
15 object is an offense prohibited by Sections 11-15, 11-16,
16 11-17, 11-19, 24-1 (a) (1), 24-1 (a) (7), 28-1, 28-3 and 28-4
17 of the "Criminal Code of 1961", approved July 28, 1961, as
18 amended, or prohibited by Sections 404 or 406 (b) of the
19 "Illinois Controlled Substances Act", enacted by the 77th
20 General Assembly, or an inchoate offense related to any of the
21 aforesaid principal offenses, the person convicted may be
22 sentenced for a Class 3 felony however, conspiracy to commit
23 treason, first degree murder, or aggravated kidnapping shall
24 not be sentenced in excess of a Class 2 felony, and conspiracy
25 to commit any offense other than those specified in this
26 subsection, and other than those set forth in Sections 401,
27 402, or 407 of the Illinois Controlled Substances Act, shall
28 not be sentenced in excess of a Class 4 felony. A person
29 convicted of conspiracy to violate the Abused and Neglected
30 Child Reporting Act is guilty of a Class 4 felony.

31 (Source: P.A. 86-809.)

32 Section 99. Effective date. This Act takes effect upon
33 becoming law.