

Conspiracy to Commit Fraud

(720 ILCS 5/46-3)

Sec. 46-3. Conspiracy to commit fraud.

(a) A person commits conspiracy to commit fraud when, with the intent that a violation of Section 46-1, 46-1.1, or 46-2 of this Code be committed, he agrees with another to violate Section 46-1, 46-1.1, or 46-2. No person may be convicted of conspiracy to commit fraud unless an overt act or acts in furtherance of the agreement is alleged and proved to have been committed by him or by a co-conspirator and the accused is a part of a common scheme or plan to engage in the unlawful activity. Where the offense agreed to be committed is a violation of Section 46-2, the person or persons with whom the accused is alleged to have agreed to commit the 3 or more violations of Section 46-1 or 46-1.1 need not be the same person or persons for each violation, as long as the accused was a part of the common scheme or plan to engage in each of the 3 or more alleged violations.

(b) It is not a defense to conspiracy to commit fraud 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) Notwithstanding Section 8-5 of this Code, a person may be convicted and sentenced both for the offense of conspiracy to commit fraud and for any other offense that is the object of the conspiracy.

(d) Conspiracy to commit fraud involving a violation of Section 46-1 or 46-1.1 of this Code is a Class 2 felony. Insurance fraud conspiracy involving a violation of Section 46-2 of this Code is a Class 1 felony. (Source: P.A. 90-333, eff. 1-1-98.)