

Organizer of an Aggravated Fraud Conspiracy

(720 ILCS 5/46-4)

Sec. 46-4. Organizer of an aggravated fraud conspiracy.

(a) A person commits the offense of being an organizer of an aggravated fraud conspiracy when he:

- (1) with the intent that a violation of Section 46-2 of this Code be committed, agrees with another to the commission of that offense; and
- (2) with respect to other persons within the conspiracy, occupies a position of organizer, supervisor, financier, or other position of management.

No person may be convicted of the offense of being an organizer of an aggravated fraud conspiracy 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 part of a common scheme or plan to engage in the unlawful activity. For the purposes of this Section, 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 of this Code need not be the same person or persons for each violation, as long as the accused occupied a position of organizer, supervisor, financier, or other position of management in each of the 3 or more alleged violations.

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

(d) The offense of being an organizer of an aggravated fraud conspiracy is a Class X felony.

(Source: P.A. 90-333, eff. 1-1-98; 91-357, eff. 7-29-99.)