

Introduced: 2/1/64
Referred: Judiciary

RULES COMMITTEE
BY REQUEST OF THE GOVERNOR

1 IN THE HOUSE

2 HOUSE BILL NO. 281

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 THIRD LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act providing for the definition,
7 prosecution and punishment of the crime
8 of conspiracy."

9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

10 * Section 1. AS 11 is amended by adding a new chapter to read:

11 CHAPTER 47

12 Sec. 11.47.010. DEFINITION OF CONSPIRACY. A person
13 is guilty of conspiracy with another person or persons to
14 commit a crime if with the purpose of promoting or facili-
15 tating its commission he:

16 (a) agrees with the other person or persons that they
17 or one or more of them will engage in conduct which consti-
18 tutes a crime or an attempt or solicitation to commit a
19 crime; or

20 (b) agrees to aid the other person or persons in the
21 planning or commission of a crime or of an attempt or
22 solicitation to commit a crime.

23 Sec. 11.47.020. SCOPE OF CONSPIRATORIAL RELATIONSHIP.
24 If a person guilty of conspiracy, as defined by sec. 10 of
25 this chapter, knows that a person with whom he conspires to
26 commit a crime has conspired with another person or persons
27 to commit the same crime, he is guilty of conspiring with
28 that other person or persons, whether or not he knows their
29 identity, to commit a crime.

1 Sec. 11.47.030. CONSPIRACY WITH MULTIPLE CRIMINAL
2 OBJECTIVES. If a person conspires to commit a number of
3 crimes, he is guilty of only one conspiracy so long as the
4 multiple crimes are the object of the same agreement or con-
5 tinuous conspiratorial relationship.

6 Sec. 11.47.040. JOINDER. Subject to the provisions
7 of sec. 50 of this chapter, two or more persons charged
8 with criminal conspiracy may be prosecuted jointly if:

9 (a) they are charged with conspiring with one another;
10 or

11 (b) the conspiracies alleged, whether they have the
12 same or different parties, are so related that they con-
13 stitute different aspects of a scheme of organized criminal
14 conduct.

15 Sec. 11.47.050. EVIDENCE, SEVERANCE AND SPECIAL VER-
16 DICT. In any joint prosecution under sec. 40 of this
17 chapter:

18 (a) neither the liability of any defendant nor the
19 admissibility against him of evidence of acts or declara-
20 tions of another shall be enlarged by such joinder; and

21 (b) the court shall order a severance or take a
22 special verdict as to any defendant who so requests, if
23 necessary or appropriate to promote the fair determination
24 of the defendant's guilt or innocence, and shall take any
25 other proper measures to protect the fairness of the trial.

26 Sec. 11.47.060. OVERT ACT. Other than the crimes de-
27 fined in AS 11.15.010, 11.15.060, 11.15.120, 11.15.240,
28 11.20.010, 11.20.020, 11.20.080, 11.20.100, and 11.45.010,
29 no person may be convicted of a conspiracy to commit a crime

1 unless an overt act in pursuance of such conspiracy is al-
2 leged and proved to have been done by him or by a person
3 with whom he conspired.

4 Sec. 11.47.070. RENUNCIATION OF CRIMINAL PURPOSE. It
5 is an affirmative defense that the actor, after conspiring
6 to commit a crime, thwarted the success of the conspiracy,
7 under circumstances manifesting a complete and voluntary
8 renunciation of his criminal purpose.

9 Sec. 11.47.080. DURATION OF CONSPIRACY. Conspiracy
10 is a continuing course of conduct which terminates when the
11 crime or crimes which are its object are committed or the
12 agreement that they be committed is abandoned by the defen-
13 dant or by those with whom he conspired; providing:

14 (a) abandonment is presumed, except as provided in
15 sec. 60 of this chapter, if neither the defendant nor anyone
16 with whom he conspired does any overt act in pursuance of
17 the conspiracy during the applicable period of limitation;
18 and

19 (b) if an individual abandons the agreement, the
20 conspiracy is terminated as to him only if and when he ad-
21 vises those with whom he conspired of his abandonment or he
22 informs the law enforcement authorities of the existence of
23 the conspiracy and of his participation therein.

24 Sec. 11.47.090. INCAPACITY, IRRESPONSIBILITY OR IM-
25 MUNITY OF PARTY TO CONSPIRACY. Except as provided in sec.
26 100 of this chapter, it is immaterial to the liability of a
27 person who conspires with another to commit a crime that:

28 (a) he or the person with whom he conspires does not
29 occupy a particular position or have a particular character-

1 istic which is an element of such crime, if he believes that
2 one of them does; or

3 (b) the person with whom he conspires is irresponsible
4 or has an immunity to prosecution or conviction for the
5 commission of the crime.

6 Sec. 11.47.100. RELATION TO SUBSTANTIVE CRIME AND
7 ACCOMPLICE PROVISIONS. It is a defense to a charge of
8 conspiracy to commit a crime that if the criminal object
9 were achieved, the actor would not be guilty of a crime
10 under the law defining the offense or as an accomplice un-
11 der chapter 10 of this title.

12 Sec. 11.47.110. PUNISHMENT. A person who conspires to
13 commit a crime, upon conviction is punishable as follows:

14 (a) if the crime which he conspired to commit is
15 punishable by imprisonment in a penitentiary or state jail,
16 the punishment for the conspiracy is by the same imprison-
17 ment for a term of not less than one year for a felony nor
18 more than half of the longest period prescribed as punish-
19 ment for the crime. If the period prescribed as a punish-
20 ment for the crime is a life term, the punishment for the
21 conspiracy shall not be for not less than one year nor more
22 than 10 years;

23 (b) if the crime which he has conspired to commit is
24 punishable by a fine, the punishment for the conspiracy
25 shall be a fine of not more than half of the amount of the
26 largest fine, but not less than the minimum fine prescribed
27 as punishment for the crime.

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