

Original Sponsors: Rules Committee
by request of the Governor

Introduced: 2/13/64
Referred: Judiciary

1 IN THE HOUSE BY THE JUDICIARY COMMITTEE

2 CS FOR 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 (1) agrees with the other person or persons that
17 they or one or more of them will engage in conduct which
18 constitutes a crime or an attempt or solicitation to commit
19 a crime; or

20 (2) agrees to aid the other person or persons in
21 the 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. OVERT ACT. Other than the crimes de-
7 fined in AS 11.15.010, 11.15.060, 11.15.120, 11.15.240,
8 11.20.010, 11.20.020, 11.20.080, 11.20.100, and 11.45.010,
9 no person may be convicted of a conspiracy to commit a crime
10 unless an overt act in pursuance of such conspiracy is al-
11 leged and proved to have been done by him or by a person
12 with whom he conspired.

13 Sec. 11.47.050. RENUNCIATION OF CRIMINAL PURPOSE. It
14 is an affirmative defense that a person, after conspiring
15 to commit a crime, thwarted the success of the conspiracy,
16 under circumstances manifesting a complete and voluntary
17 renunciation of his criminal purpose.

18 Sec. 11.47.060. DURATION OF CONSPIRACY. Conspiracy
19 is a continuing course of conduct which terminates when the
20 crime or crimes which are its object are committed or the
21 agreement that they be committed is abandoned by the defen-
22 dant or by those with whom he conspired, providing

23 (1) abandonment is presumed, except as provided
24 in sec. 40 of this chapter, if neither the defendant nor
25 anyone with whom he conspired does any overt act in pur-
26 suance of the conspiracy during the applicable period of
27 limitation; and

28 (2) if an individual abandons the agreement, the
29 conspiracy is terminated as to him only if and when he ad-

1 vises those with whom he conspired of his abandonment or he
2 informs the law enforcement authorities of the existence of
3 the conspiracy and of his participation therein.

4 Sec. 11.47.070. INCAPACITY, IRRESPONSIBILITY, OR IM-
5 MUNITY OF PARTY TO CONSPIRACY. Except as provided in sec.
6 80 of this chapter, it is immaterial to the guilt of a
7 person who conspires with another to commit a crime that

8 (1) he or the person with whom he conspires does
9 not occupy a particular position or have a particular
10 characteristic which is an element of such crime, if he
11 believes that one of them does; or

12 (2) the person with whom he conspires is ir-
13 responsible or has an immunity to prosecution or conviction
14 for the commission of the crime.

15 Sec. 11.47.080. RELATION TO SUBSTANTIVE CRIME AND
16 ACCOMPLICE PROVISIONS. It is a defense to a charge of
17 conspiracy to commit a crime, that if the criminal object
18 were achieved, the person would not be guilty of a crime
19 under the law defining the offense or as an accomplice
20 under sec. 10 of this chapter.

21 Sec. 11.47.090. PUNISHMENT. A person who conspires to
22 commit a crime, upon conviction is punishable as follows:

23 (1) if the crime which he conspired to commit is
24 punishable by imprisonment in a penitentiary or state jail,
25 the punishment for the conspiracy is by the same imprison-
26 ment for a term of not less than one year for a felony nor
27 more than half of the longest period prescribed as punish-
28 ment for the crime; if the period prescribed as a punish-
29 ment for the crime is a life term, the punishment for the

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conspiracy shall not be for less than one year nor more than 10 years;

(2) if the crime which he has conspired to commit is punishable by a fine, the punishment for the conspiracy is a fine of not more than half of the amount of the largest fine, but not less than the minimum fine prescribed as punishment for the crime.