

Introduced: 2/15/65  
Referred: Judiciary

1 IN THE SENATE

RULES COMMITTEE  
BY REQUEST OF THE GOVERNOR

2 SENATE BILL NO. 105

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTH LEGISLATURE - FIRST 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 to commit a crime whether or  
29 not he knows their identity.

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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 AND VENUE IN CONSPIRACY  
7 PROSECUTIONS. (a) Subject to the provisions of paragraph  
8 (b) of this section, two or more persons charged with  
9 criminal conspiracy may be prosecuted jointly if:

10           (1) they are charged with conspiring with one  
11 another; or

12           (2) the conspiracies alleged, whether they have  
13 the same or different parties, are so related that they  
14 constitute different aspects of a scheme of organized crimi-  
15 nal conduct.

16           (b) In any joint prosecution under paragraph (a) of  
17 this section:

18           (1) no defendant shall be charged with a con-  
19 spiracy in any judicial district other than one in which he  
20 entered into such conspiracy or in which an overt act pur-  
21 suant to such conspiracy was done by him or by a person with  
22 whom he conspired; and

23           (2) neither the liability of any defendant nor the  
24 admissibility against him of evidence of acts or declarations  
25 of another shall be enlarged by such joinder; and

26           (3) The court shall order a severance of defendants  
27 when so requested, if it deems it necessary or appropriate to  
28 promote the fair determination of his guilt or innocence, and  
29 shall take any other proper measures to protect the fairness

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1 of the trial.

2 Sec. 11.47.050. OVERT ACT. No person may be convicted  
3 of a conspiracy to commit a crime, other than a felony punish-  
4 able by a maximum of 10 years imprisonment or more, unless an  
5 overt act in pursuance of such conspiracy is alleged and  
6 proved to have been done by him or by a person with whom he  
7 conspired.

8 Sec. 11.47.060. RENUNCIATION OF CRIMINAL PURPOSE. It  
9 is an affirmative defense that a person, after conspiring to  
10 commit a crime, thwarted the success of the conspiracy, under  
11 circumstances manifesting a complete and voluntary renuncia-  
12 tion of his criminal purpose.

13 Sec. 11.47.070. DURATION OF CONSPIRACY. (a) Conspiracy  
14 is a continuing course of conduct which terminates when the  
15 crime or crimes which are its object are committed or the  
16 agreement that they be committed is abandoned by the defend-  
17 ant or by those with whom he conspired.

18 (b) Abandonment is presumed, except as provided in sec.  
19 50 of this chapter, if neither the defendant nor anyone with  
20 whom he conspired does any overt act in pursuance of the con-  
21 spiracy during the applicable period of limitation;

22 (c) If an individual abandons the agreement, the con-  
23 spiracy is terminated as to him only if and when he advises  
24 those with whom he conspired of his abandonment or he informs  
25 the law enforcement authorities of the existence of the con-  
26 spiracy and of his participation therein.

27 Sec. 11.47.080. INCAPACITY, IRRESPONSIBILITY, OR IM-  
28 MUNITY OF PARTY TO CONSPIRACY. (a) Except as provided in  
29 subsection (b) of this section, it is immaterial to the guilt

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1 of a person who conspires with another to commit a crime that

2 (1) he or the person with whom he conspires does  
3 not occupy a particular position or have a particular charac-  
4 teristic which is an element of such crime, if he believes  
5 that one of them does; or

6 (2) the person with whom he conspires is irrespon-  
7 sible or has an immunity to prosecution or conviction for the  
8 commission of the crime.

9 (b) It is a defense to a charge of conspiracy to commit  
10 a crime that if the criminal object were achieved, the person  
11 would not be guilty of a crime under the law defining the  
12 offense or as an accomplice.

13 Sec. 11.47.090. PUNISHMENT. Except as otherwise pro-  
14 vided in this section a conspiracy is a crime of the same  
15 grade and degree, and is punishable in the same manner, as  
16 the most serious offense which is an object of the conspiracy.  
17 A conspiracy to commit a felony punishable by a maximum of  
18 life imprisonment is a crime punishable by not less than one  
19 year nor more than life imprisonment.

20 Sec. 11.47.100. MULTIPLE CONVICTIONS. A person may not  
21 be convicted of more than one offense defined by this chapter  
22 for conduct designed to commit or culminate in the commission  
23 of the same crime.

24 \* Sec. 2. AS 11.15.270 is repealed.