

1 IN THE SENATE

BY LEWIS

2 SENATE BILL NO. 292

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 EIGHTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act defining criminal conspiracy; and providing
7 for an effective date."

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

9 * Section 1. AS 11.10 is amended by adding new sections to read:

10 Sec. 11.10.080. CRIMINAL CONSPIRACY. (a) A person is guilty
11 of conspiracy if he agrees with one or more persons to commit or to
12 aid the commission of a crime. No agreement constitutes a conspiracy,
13 unless some overt act, in addition to the agreement, is done in the
14 state to effect the object of it, by one or more of the parties to the
15 agreement.

16 (b) Conspiracy is a continuing course of conduct which terminates
17 when the object of the conspiracy is accomplished or when the agreement
18 is abandoned. Abandonment is presumed if no one of the persons who
19 agreed to commit or to aid the commission of a crime does any overt
20 act to effect the object of it during the applicable period of limita-
21 tion. An individual may abandon the agreement by advising those with
22 whom he conspired of his abandonment or by informing the law enforcement
23 authorities of the existence of the conspiracy and of his participation
24 in it; the conspiracy is then terminated only as to him.

25 (c) If a person conspires to engage in conduct which constitutes
26 more than one criminal offense, he is guilty of only one count of
27 conspiracy so long as all of the conduct is the object and result of
28 the same agreement or continuous conspiratorial relationship.

29 Sec. 11.10.085. JOINDER AND VENUE IN CONSPIRACY PROSECUTIONS.

1 (a) Two or more persons charged with criminal conspiracy may be prose-
2 cuted jointly if

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

4 (2) the conspiracies alleged, whether they have the same
5 or different parties, are sufficiently related to constitute one
6 criminal offense.

7 (b) However, in a joint prosecution under (a) of this section

8 (1) no defendant may be charged with a conspiracy in a
9 judicial district other than one in which he entered into the conspiracy
10 or in which an overt act pursuant to the conspiracy was done by him
11 or by a person with whom he conspired;

12 (2) neither the culpability of a defendant nor the admissi-
13 bility against him of evidence of acts or declarations of another may
14 be enlarged by the joinder; and

15 (3) the court shall order a severance or take a special
16 verdict as to a defendant who so requests, if it considers it necessary
17 or appropriate to promote the fair determination of his guilt or
18 innocence, and shall take other proper measures to protect the fairness
19 of the trial.

20 Sec. 11.10.090. AFFIRMATIVE DEFENSE TO CONSPIRACY CHARGE. It is
21 an affirmative defense to a charge of conspiracy if

22 (1) the actor, after conspiring to commit a crime, thwarted
23 the success of the conspiracy, under circumstances manifesting a com-
24 plete and voluntary renunciation of his criminal purpose, or

25 (2) the actor would not be guilty of a crime or be guilty
26 as an accessory if the object of the conspiratorial plan were
27 accomplished.

28 Sec. 11.10.095. PENALTY FOR CONSPIRACY, MITIGATION IN CASES OF
29 LESSER DANGER; MULTIPLE CONVICTIONS BARRED. (a) Except as otherwise

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provided in this section, conspiracy is a crime of the same grade as the most serious offense which is the object of the conspiracy.

(b) If the particular conduct charged to constitute a conspiracy is so inherently unlikely to result or culminate in the commission of a crime that neither the conduct nor the actor presents a public danger warranting the grading of an offense under this section, the court shall exercise its power to enter judgment and impose sentence for a crime of a lower grade or degree.

(c) A person may not be convicted of more than one offense defined in sec. 80 of this chapter for conduct designed to commit or to culminate in the commission of the same crime.

* Sec. 2. This Act takes effect on the day after its passage and approval or on the day it becomes law without approval.