

Introduced: 2/8/85
Referred: Judiciary

BY HANLEY, TAYLOR, MARTIN,
JENKINS, PEARCE, FURNACE,
UEHLING AND COLLINS

1 IN THE HOUSE

2

HOUSE BILL NO. 178

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FOURTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

6 For an Act entitled: "An Act relating to the crime of conspiracy."

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

8 * Section 1. AS 11.31 is amended by adding new sections to read:

9 Sec. 11.31.120. CONSPIRACY. (a) An offender commits the crime
10 of conspiracy if, with the intent to promote or facilitate an illegal
11 activity, the offender agrees with one or more persons to engage in or
12 cause the performance of that activity and the offender or one of the
13 persons does an overt act in furtherance of the conspiracy.

14 (b) If an offender commits the crime of conspiracy and knows
15 that a person with whom the offender conspires to commit a crime has
16 conspired or will conspire with another person or persons to commit
17 the same crime, the offender is guilty of conspiring with that other
18 person or persons to commit that crime, whether or not the offender
19 knows their identities.

20 (c) In a prosecution under this section, it is not a defense

21 (1) that the defendant belongs to a class of persons who by
22 definition are legally incapable in an individual capacity of com-
23 mitting the crime that is the object of the conspiracy; or

24 (2) that a person with whom the defendant conspires could
25 not be guilty of the crime that is the object of the conspiracy be-
26 cause of

27 (A) lack of criminal responsibility or other legal
28 incapacity or exemption;

29 (B) unawareness of the criminal nature of the conduct

1 in question or of the criminal purpose of the defendant; or
2 (C) any other factor precluding the culpable mental
3 state required for the commission of the crime.

4 (d) In a prosecution under this section, it is a defense that,
5 if the criminal objective were achieved, the defendant would not be
6 legally accountable under AS 11.16.120(b) for the conduct of the
7 person with whom the defendant conspired.

8 (e) In a prosecution under this section it is an affirmative
9 defense that the defendant, under circumstances manifesting a volun-
10 tary and complete renunciation of the defendant's criminal intent,
11 gave timely warning to law enforcement authorities or otherwise made
12 proper effort to prevent the commission of the crime that was the
13 object of the conspiracy. Renunciation by one conspirator does not
14 affect the liability of another conspirator who does not join in the
15 renunciation.

16 (f) The liability of a conspirator for offenses committed in
17 furtherance of the conspiracy, including a crime that is the object of
18 the conspiracy, shall be determined under AS 11.16.

19 (g) Conspiracy is a

20 (1) class A felony if the object of the conspiracy is a
21 crime punishable as an unclassified felony;

22 (2) class B felony if the object of the conspiracy is a
23 crime punishable as a class A felony;

24 (3) class C felony if the object of the conspiracy is a
25 crime punishable as a class B or class C felony.

26 (h) In this section "illegal activity" means an offense

27 (1) against the person under AS 11.41, punishable as a
28 felony;

29 (2) against property under AS 11.46, punishable as a class

1 A or class B felony;

2 (3) against public administration under AS 11.56, punish-
3 able as a felony;

4 (4) against public order under AS 11.61, punishable as a
5 felony;

6 (5) involving controlled substances under AS 11.71, punish-
7 able as an unclassified, class A, or class B felony; or

8 (6) involving alcoholic beverages under AS 04, punishable
9 as a felony.

10 Sec. 11.31.125. DURATION OF CONSPIRACY FOR PURPOSES OF LIMITA-
11 TIONS OF ACTIONS. (a) For purposes of applying AS 12.10 governing
12 limitations of actions, in a prosecution under AS 11.31.120, con-
13 spiracy is a continuing course of conduct that terminates

14 (1) when the crime that is its object is completed;

15 (2) when the agreement is abandoned by the defendant and by
16 the person with whom the defendant agreed; or

17 (3) as to an individual defendant, when the defendant
18 abandons the agreement by advising the person with whom the defendant
19 agreed of the defendant's abandonment or the defendant informs law
20 enforcement authorities of the existence of the conspiracy and of the
21 defendant's participation in it.

22 (b) For purposes of (a)(2) of this section, abandonment of an
23 agreement is rebuttably presumed if neither the defendant nor anyone
24 with whom the defendant conspired does an overt act in furtherance of
25 the conspiracy during the applicable period of limitations.

26 * Sec. 2. AS 11.31.140 is amended to read:

27 Sec. 11.31.140. MULTIPLE CONVICTIONS BARRED. (a) It is not a
28 defense to a prosecution under AS 11.31.100 - 11.31.120 [AS 11.31.100
29 OR AS 11.31.110] that the crime that is the object of the attempt,

1 conspiracy, or solicitation was actually committed pursuant to the
2 attempt, conspiracy, or solicitation.

3 (b) A person may not be convicted of more than one crime defined
4 by AS 11.31.100 - 11.31.120 [AS 11.31.100 OR AS 11.31.110] for conduct
5 designed to commit or culminate in commission of the same crime.

6 (c) A person may not be convicted on the basis of the same
7 course of conduct of both (1) a crime defined by AS 11.31.100 - 11.-
8 31.120 [AS 11.31.100 OR AS 11.31.110]; and (2) the crime that is the
9 object of the attempt, conspiracy, or solicitation.

10 (d) This section does not bar inclusion of multiple counts in a
11 single indictment or information charging commission of a crime de-
12 fined by AS 11.31.100 - 11.31.120 [AS 11.31.100 OR AS 11.31.110] and
13 commission of the crime that is the object of the attempt, conspiracy,
14 or solicitation.

15 (e) If a person conspires to commit more than one crime under
16 AS 11.31.120, the person commits only one crime of conspiracy if the
17 multiple crimes are the object of the same agreement.