

Introduced: 2/7/85  
Referred: Judiciary

1 IN THE SENATE

BY RODEY

2

SENATE BILL NO. 139

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 offense  
11 relating to controlled substances under AS 11.71.010 - 11.71.050, an  
12 offense relating to prostitution or promotion of prostitution under  
13 AS 11.66.100 - 11.66.130, or an offense having similar elements under  
14 a municipal ordinance, the offender agrees with one or more persons to  
15 engage in or cause the performance of that offense and the offender or  
16 one of the persons does an overt act in furtherance of the conspiracy.

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

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

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

27           (2) that a person with whom the defendant conspires could  
28 not be guilty of a crime that is an object of the conspiracy because  
29 of

1 (A) lack of criminal responsibility or other legal  
2 incapacity or exemption;

3 (B) unawareness of the criminal nature of the conduct  
4 in question or of the criminal purpose of the defendant; or

5 (C) any other factor precluding the culpable mental  
6 state required for the commission of the crime.

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

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

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

22 (g) Conspiracy is a

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

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

27 (3) class C felony if the object of the conspiracy is a  
28 crime punishable as a class B or class C felony;

29 (4) class B misdemeanor if the object of the conspiracy is

1 a crime punishable as a class A or B misdemeanor or is a violation of  
2 a municipal ordinance.

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

7 (1) when all the crimes related to controlled substances,  
8 prostitution, and promotion of prostitution that are its object are  
9 completed;

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

12 (3) as to an individual defendant, when the defendant  
13 abandons the agreement by advising the person with whom the defendant  
14 agreed of the defendant's abandonment or the defendant informs law  
15 enforcement authorities of the existence of the conspiracy and of the  
16 defendant's participation in it.

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

21 \* Sec. 2. AS 11.31.140 is amended to read:

22 Sec. 11.31.140. MULTIPLE CONVICTIONS BARRED. (a) It is not a  
23 defense to a prosecution under AS 11.31.100 - 11.31.120 [AS 11.31.100  
24 OR AS 11.31.110] that the crime that is the object of the attempt,  
25 conspiracy, or solicitation was actually committed pursuant to the  
26 attempt, conspiracy, or solicitation.

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

1 (c) A person may not be convicted on the basis of the same  
2 course of conduct of both (1) a crime defined by AS 11.31.100 - 11.-  
3 31.120 [AS 11.31.100 OR AS 11.31.110]; and (2) a crime that is an  
4 object of the attempt, conspiracy, or solicitation.

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

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