

Introduced: 1/19/87
Referred: Judiciary and
Finance

1 IN THE HOUSE

BY DONLEY

2

HOUSE BILL NO. 30

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FIFTEENTH 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 the delivery of a controlled substance under AS 11.71.-
12 010 - 11.71.050, an offense relating to prostitution or promotion of
13 prostitution under AS 11.66.100 - 11.66.130, or an offense having
14 similar elements under a municipal ordinance, the offender agrees with
15 one or more persons to engage in or cause the performance of that
16 offense and the offender or one of the persons does an overt act in
17 furtherance of the conspiracy.

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

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

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

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

1 of

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

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

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

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

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

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

23 (g) Conspiracy is a

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

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

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

1 (4) class B misdemeanor if the object of the conspiracy is
2 a crime punishable as a class A or B misdemeanor or is a violation of
3 a municipal ordinance.

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

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

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

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

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

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

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

28 (b) A person may not be convicted of more than one crime defined
29 by AS 11.31.100 - 11.31.120 [AS 11.31.100 OR AS 11.31.110] for conduct

1 designed to commit or culminate in commission of the same crime.

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

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

11 * Sec. 3. AS 11.31.140 is amended by adding a new subsection to read:

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