

Offered: 5/7/87
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5-0199X

Original sponsors: Rodey, Halford,
Szymanski, et al.

1 IN THE SENATE BY THE JUDICIARY COMMITTEE
2 CS FOR SENATE BILL NO. 27 (Judiciary)
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 to commit
7 a felony involving delivery of certain controlled
8 substances, promotion of prostitution, or unlawful
9 exploitation of a minor."

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

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

12 Sec. 11.31.120. CONSPIRACY. (a) An offender commits the crime
13 of conspiracy if, with the intent to promote or facilitate a felony
14 offense relating to the delivery of a controlled substance under
15 AS 11.71.010 - 11.71.040, a felony offense relating to promotion of
16 prostitution under AS 11.66.110 - 11.66.120, or unlawful exploitation
17 of a minor under AS 11.41.455, the offender agrees with one or more
18 persons to engage in or cause the performance of that offense and the
19 offender or one of the persons does an overt act in furtherance of the
20 conspiracy.

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

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

28 (1) that the defendant belongs to a class of persons who by
29 definition are legally incapable in an individual capacity of

1 committing a crime that is an object of the conspiracy; or

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

5 (A) lack of criminal responsibility or other legal
6 incapacity or exemption;

7 (B) unawareness of the criminal nature of the conduct
8 in question or of the criminal purpose of the defendant; or

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

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

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

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

26 (g) A person may not be convicted under this section solely on
27 the basis of the uncorroborated testimony of a person with whom the
28 defendant conspired.

29 (h) Conspiracy is a

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

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

5 (3) class C felony if the object of the conspiracy is a
6 crime punishable as a class B felony;

7 (4) class A misdemeanor if the object of the conspiracy is
8 a crime punishable as a class C felony.

9 Sec. 11.31.125. DURATION OF CONSPIRACY FOR PURPOSES OF LIMITA-
10 TIONS OF ACTIONS. For purposes of applying AS 12.10 governing limita-
11 tions of actions, in a prosecution under AS 11.31.120, conspiracy is a
12 continuing course of conduct that terminates

13 (1) when all the crimes related to delivery of controlled
14 substances, promotion of prostitution, or unlawful exploitation of a
15 minor that are its object are completed;

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

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

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

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

29 (b) A person may not be convicted of more than one crime defined

1 by AS 11.31.100 - 11.31.120 [AS 11.31.100 OR AS 11.31.110] for conduct
2 designed to commit or culminate in commission of the same crime.

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

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

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

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