

**HOUSE BILL NO. 517**  
**IN THE LEGISLATURE OF THE STATE OF ALASKA**  
**SEVENTEENTH LEGISLATURE - SECOND SESSION**

**BY REPRESENTATIVES HANLEY, R.Phillips, Parnell**

**Introduced: 2/18/92**

**Referred: Health, Education & Social Services, Judiciary, Finance**

**A BILL**

**FOR AN ACT ENTITLED**

1 "An Act creating the crime of conspiracy relating to murder and controlled substances  
2 violations."

3 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

4 \* **Section 1.** AS 11.31 is amended by adding a new section to read:

5           Sec. 11.31.120. CONSPIRACY. (a) A person commits the crime of conspiracy if, with  
6 intent to promote or facilitate an illegal activity, the person agrees with one or more other  
7 persons to engage in or cause the performance of that activity and the person or one of the others  
8 does an overt act in furtherance of the agreement.

9           (b) In this section, "illegal activity" means murder in the first degree under AS 11.41.100,  
10 murder in the second degree under AS 11.41.110, and misconduct involving a controlled  
11 substance under AS 11.71.010 - 11.71.040.

12           (c) Conspiracy is the same class of offense as the most serious offense that was an object  
13 of the conspiracy.

14           (d) In a prosecution under this section, it is not a defense

1 (1) that the defendant belongs to a class of persons who by definition are legally  
2 incapable in an individual capacity of committing the crime that is the object of the conspiracy;  
3 or

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

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

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

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

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

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

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

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

24 (b) A person may not be convicted of more than one crime defined by AS 11.31.100 -  
25 11.31.120 [AS 11.31.100 OR AS 11.31.110] for conduct designed to commit or culminate in  
26 commission of the same crime.

27 (c) A person may not be convicted on the basis of the same course of conduct of both  
28 (1) a crime defined by AS 11.31.100 - 11.31.120 [AS 11.31.100 OR 11.31.110]; and (2) a [THE]  
29 crime that is an [THE] object of the attempt, [OR] solicitation, or conspiracy.

30 (d) This section does not bar inclusion of multiple counts in a single indictment or  
31 information charging commission of a crime defined by AS 11.31.100 - 11.31.120 [AS 11.31.100

- 1 OR 11.31.110] and commission of the crime that is the object of the attempt, [OR] solicitation,
- 2 or conspiracy.