

## SENATE BILL NO. 343

IN THE LEGISLATURE OF THE STATE OF ALASKA

SEVENTEENTH LEGISLATURE - SECOND SESSION

BY SENATORS HALFORD, Collins, Pearce

Introduced: 1/13/92  
Referred: Judiciary

## A BILL

## FOR AN ACT ENTITLED

1 "An Act relating to the crime of conspiracy."

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

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

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

8           (b) If an offender commits the crime of conspiracy and knows that a person with whom  
9           the offender conspires to commit a crime has conspired or will conspire with another person or  
10          persons to commit the same crime, the offender is guilty of conspiring with that other person or  
11          persons to commit that crime whether or not the offender knows their identities.

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

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

1 or

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

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

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

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

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

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

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

20 (g) Conspiracy is a

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

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

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

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

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

29 (2) against property under AS 11.46, punishable as a class A or class B felony;

30 (3) against public administration under AS 11.56, punishable as a felony;

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

1 (5) involving controlled substances under AS 11.71, punishable as an unclassified,  
2 class A, or class B felony; or

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

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

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

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

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

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

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

18 Sec. 11.31.140. MULTIPLE CONVICTIONS BARRED. (a) It is not a defense to a  
19 prosecution under AS 11.31.100 - 11.31.120 [AS 11.31.100 OR AS 11.31.110] that the crime that  
20 is the object of the attempt, conspiracy, or solicitation was actually committed in accordance  
21 with [PURSUANT TO] the attempt, conspiracy, or solicitation.

22 (b) A person may not be convicted of more than one crime defined by AS 11.31.100 -  
23 11.31.120 [AS 11.31.100 OR AS 11.31.110] for conduct designed to commit or culminate in  
24 commission of the same crime.

25 (c) A person may not be convicted on the basis of the same course of conduct of both

26 (1) a crime defined by AS 11.31.100 - 11.31.120 [AS 11.31.100 OR 11.31.110];

27 and

28 (2) the crime that is the object of the attempt, conspiracy, or solicitation.

29 (d) This section does not bar inclusion of multiple counts in a single indictment or  
30 information charging commission of a crime defined by AS 11.31.100 - 11.31.120 [AS 11.31.100  
31 OR 11.31.110] and commission of the crime that is the object of the attempt, conspiracy, or

1       solicitation.

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

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