

CS FOR SENATE BILL NO. 343 (JUDICIARY)
IN THE LEGISLATURE OF THE STATE OF ALASKA
SEVENTEENTH LEGISLATURE - SECOND SESSION

BY THE SENATE JUDICIARY COMMITTEE

Offered: 3/19/92
Referred: Finance

Sponsor(s): SENATORS HALFORD, Collins, Pearce

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 a serious felony offense, the offender agrees with one or
6 more persons to engage in or cause the performance of that activity and the offender or one of
7 the 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 serious felony offense has conspired or will conspire with
10 another person or persons to commit the same serious felony offense, the offender is guilty of
11 conspiring with that other person or persons to commit that crime whether or not the offender
12 knows their identities.

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

14 (1) that the defendant belongs to a class of persons who by definition are legally

1 incapable in an individual capacity of committing the crime that is the object of the conspiracy;
2 or

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

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

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

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

10 (d) If the offense that the conspiracy is intended to promote or facilitate is actually
11 committed, a defendant may not be convicted of conspiring to commit that offense with another
12 person for whose conduct the defendant is not legally accountable under AS 11.16.120(b).

13 (e) In a prosecution under this section, it is an affirmative defense that the defendant,
14 under circumstances manifesting a voluntary and complete renunciation of the defendant's
15 criminal intent, either (1) gave timely warning to law enforcement authorities; or (2) otherwise
16 made proper effort that prevented the commission of the crime that was the object of the
17 conspiracy. Renunciation by one conspirator does not affect the liability of another conspirator
18 who does not join in the renunciation.

19 (f) Conspiracy is a

20 (1) unclassified felony if the object of the conspiracy is murder in the first degree;

21 (2) class A felony if the object of the conspiracy is a crime punishable as an
22 unclassified felony other than murder in the first degree;

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

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

27 (g) In this section, "serious felony offense" means an offense

28 (1) against the person under AS 11.41, punishable as an unclassified or class A
29 felony; or

30 (2) involving controlled substances under AS 11.71, punishable as an unclassified,
31 class A, or class B felony.

1 * Sec. 2. AS 11.31.140(a) is amended to read:

2 (a) It is not a defense to a prosecution under AS 11.31.100 - 11.31.120 [AS 11.31.100
3 OR AS 11.31.110] that the crime the defendant attempted to commit, solicited to commit, or
4 conspired to commit [THAT IS THE OBJECT OF THE ATTEMPT OR SOLICITATION] was
5 actually committed pursuant to the attempt, solicitation, or conspiracy [OR SOLICITATION].

6 * Sec. 3. AS 11.31.140(b) is amended to read:

7 (b) A person may not be convicted of more than one crime defined by AS 11.31.100 -
8 11.31.120 [AS 11.31.100 OR AS 11.31.110] for conduct designed to commit or culminate in
9 commission of the same crime.

10 * Sec. 4. AS 11.31.140(d) is amended to read:

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

15 * Sec. 5. AS 12.55.125(b) is amended to read:

16 (b) A defendant convicted of murder in the second degree, attempted murder in the first
17 degree, conspiracy to commit murder in the first degree, kidnapping, or misconduct involving
18 a controlled substance in the first degree shall be sentenced to a definite term of imprisonment
19 of at least five years but not more than 99 years.