

SENATE BILL NO. 424

IN THE LEGISLATURE OF THE STATE OF ALASKA

SEVENTEENTH LEGISLATURE - SECOND SESSION

BY SENATORS RODEY, Pearce

Introduced: 2/18/92

Referred: Judiciary, Finance

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 offense relating to the delivery of a controlled
6 substance under AS 11.71.010 - 11.71.060 or an offense having similar elements under a
7 municipal ordinance,

8 (1) the offender agrees with one or more persons to engage in or cause the
9 performance of that offense and communicates that agreement to the other person or persons; and

10 (2) the offender or one of the persons with whom the offender has agreed does
11 an overt act in furtherance of the conspiracy.

12 (b) If an offender commits the crime of conspiracy and knows that a person with whom
13 the offender conspires to commit a crime has conspired or will conspire with another person or
14 persons to commit the same crime, the offender is guilty of conspiring with that other person or

1 persons to commit that crime, whether or not the offender knows their identities.

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

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

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

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

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

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

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

15 (e) In a prosecution under this section, it is an affirmative defense that the defendant,
16 under circumstances manifesting a voluntary and complete renunciation of the defendant's
17 criminal intent, gave timely warning to law enforcement authorities to prevent the commission
18 of the crime that was the object of the conspiracy, and the authorities, reasonably acting upon
19 the warning, would have had the opportunity to prevent the commission of the offense that was
20 the object of the conspiracy. Renunciation by one conspirator does not affect the liability of
21 another conspirator who does not join in the renunciation.

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

24 (g) Conspiracy is a

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

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

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

31 (4) class B misdemeanor if the object of the conspiracy is a crime punishable as

1 a class A or B misdemeanor or is a violation of a municipal ordinance.

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

5 (1) when all the crimes related to controlled substances that are its object are
6 completed;

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

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

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

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

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

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

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

25 (1) a crime defined in AS 11.31.100 - 11.31.120 [BY AS 11.31.100 OR
26 AS 11.31.110]; and

27 (2) a [THE] crime that is an [THE] object of the attempt, conspiracy, or solici-
28 tation.

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

1 conspiracy, or 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.