

CS FOR SENATE BILL NO. 19(FIN) am
IN THE LEGISLATURE OF THE STATE OF ALASKA
EIGHTEENTH LEGISLATURE - FIRST SESSION

BY THE SENATE FINANCE COMMITTEE

Amended: 3/10/93
Offered: 3/5/93

Sponsor(s): SENATORS HALFORD, Phillips

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
5 conspiracy if, with the intent to promote or facilitate a serious felony offense, the
6 offender agrees with one or more persons to engage in or cause the performance of
7 that activity and the offender or one of the persons does an overt act in furtherance of
8 the conspiracy. In this section, "overt act in furtherance of the conspiracy" means an
9 act of such character that it manifests a purpose on the part of the actor that the object
10 of the conspiracy be completed.

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

1 **commit that crime whether or not the offender knows their identities.**

2 **(c) In a prosecution under this section, it is not a defense that a person with**
3 **whom the defendant conspires could not be guilty of the crime that is the object of the**
4 **conspiracy because of**

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

7 **(2) belonging to a class of persons who by definition are legally**
8 **incapable in an individual capacity of committing the crime that is the object of the**
9 **conspiracy;**

10 **(3) unawareness of the criminal nature of the conduct in question or of**
11 **the criminal purpose of the defendant; or**

12 **(4) any other factor precluding the culpable mental state required for**
13 **the commission of the crime.**

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

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

24 **(f) Notwithstanding AS 22.10.030, venue in actions in which the crime of**
25 **conspiracy is alleged to have been committed may not be based solely on the location**
26 **of overt acts done in furtherance of the conspiracy.**

27 **(g) Conspiracy is**

28 **(1) an unclassified felony if the object of the conspiracy is murder in**
29 **the first degree;**

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

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

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

5 (h) In this section, "serious felony offense" means an offense

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

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

10 Sec. 11.31.125. DURATION OF CONSPIRACY FOR PURPOSES OF
11 LIMITATIONS OF ACTIONS. (a) Solely for purposes of applying AS 12.10
12 governing limitations of actions, in a prosecution under AS 11.31.120 a conspiracy
13 terminates

14 (1) when all the crimes that are serious felony offenses that are its
15 objects are completed; or

16 (2) if all of the crimes that are its objects are not completed, when the
17 last overt act in furtherance of the conspiracy is done by the defendant or any of the
18 other coconspirators.

19 (b) In this section, "overt act in furtherance of the conspiracy" has the meaning
20 given in AS 11.31.120.

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

22 (a) It is not a defense to a prosecution under AS 11.31.100 - 11.31.120 [AS
23 11.31.100 OR AS 11.31.110] that the crime the defendant attempted to commit,
24 solicited to commit, or conspired to commit [THAT IS THE OBJECT OF THE
25 ATTEMPT OR SOLICITATION] was actually committed pursuant to the attempt,
26 solicitation, or conspiracy [OR SOLICITATION].

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

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

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

1 (d) This section does not bar inclusion of multiple counts in a single
2 indictment or information charging commission of a crime defined by AS 11.31.100 -
3 11.31.120 [AS 11.31.100 OR 11.31.110] and commission of the crime that is the
4 object of the attempt, conspiracy, or solicitation.

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

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