

SENATE BILL NO. 137

IN THE LEGISLATURE OF THE STATE OF ALASKA

EIGHTEENTH LEGISLATURE - FIRST SESSION

BY THE SENATE RULES COMMITTEE BY REQUEST OF THE GOVERNOR

Introduced: 2/26/93
Referred: JUD, FIN

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to conspiracies to commit murder in the first degree, murder
2 in the second degree, kidnapping, and certain drug offenses; and providing for
3 an effective date."

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

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

6 Sec. 11.31.120. CONSPIRACY. (a) An offender commits the crime of
7 conspiracy if, with intent to promote or facilitate murder in the first degree, murder in
8 the second degree, kidnapping, or an offense relating to the manufacture or delivery
9 of a controlled substance under AS 11.71.010 -11.71.030, (1) the offender agrees with
10 one or more other persons to engage in or cause the performance of the offense and
11 communicates the agreement to the other person or persons; and (2) the offender or
12 one of the other persons with whom the offender has agreed does an overt act in
13 furtherance of the conspiracy. In this subsection, an "overt act in furtherance of the
14 conspiracy" means an act that manifests a purpose on the part of the actor that the

1 crime that was the object of the conspiracy be completed.

2 (b) Conspiracy is the same class of offense as the crime that was the object
3 of the conspiracy.

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

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

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

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

17 (d) This section does not bar inclusion of multiple counts in a single
18 indictment or information charging commission of a crime defined by AS 11.31.100 -
19 11.31.120 [AS 11.31.100 OR AS 11.31.110] and commission of the crime that is the
20 object of the attempt, [OR] solicitation, or conspiracy.

21 * Sec. 3. This Act takes effect July 1, 1993.