

# HOUSE BILL ANALYSIS

## SB 5085

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**Title:** An act relating to criminal conspiracy.

**Brief Description:** Removing a defense to the crime of criminal conspiracy.

**Sponsors:** Senators Roach, Swecker, McCaslin and Winsley.

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### HOUSE COMMITTEE ON LAW & JUSTICE

**Staff:** Edie Adams (786-7180).

**Background:** A person is guilty of criminal conspiracy if he or she intends that conduct constituting a crime be performed, agrees with another person or persons to cause the performance of such conduct, and anyone of them takes a substantial step in pursuance of the agreement.

It is not a defense to criminal conspiracy that the person or persons with whom the accused allegedly conspired: (1) has not been prosecuted or convicted; (2) has been convicted of a different offense; (3) is not amenable to justice; (4) has been acquitted; or (5) lacked the capacity to commit an offense.

As interpreted by the Washington Supreme Court, the crime of criminal conspiracy requires a bilateral agreement among the co-conspirators, meaning that both the conspirator and at least one co-conspirator must intend for the crime to be committed. A person is not guilty of conspiracy if the only co-conspirator is a police officer who did not intend for a crime to be committed.

**Summary of Bill:** It is not a defense to a criminal conspiracy charge that the person with whom the accused is alleged to have conspired is a police officer or other government agent who did not intend for a crime to be committed.

**Fiscal Note:** Not requested.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

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