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SENATE BILL 5085

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State of Washington                      55th Legislature                      1997 Regular Session

By Senators Roach, Swecker, McCaslin and Winsley

Read first time 01/14/97. Referred to Committee on Law & Justice.

1            AN ACT Relating to criminal conspiracy; and amending RCW 9A.28.040.

2 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

3            **Sec. 1.** RCW 9A.28.040 and 1975 1st ex.s. c 260 s 9A.28.040 are  
4 each amended to read as follows:

5            (1) A person is guilty of criminal conspiracy when, with intent  
6 that conduct constituting a crime be performed, he or she agrees with  
7 one or more persons to engage in or cause the performance of such  
8 conduct, and any one of them takes a substantial step in pursuance of  
9 such agreement.

10           (2) It shall not be a defense to criminal conspiracy that the  
11 person or persons with whom the accused is alleged to have conspired:

12           (a) Has not been prosecuted or convicted; or

13           (b) Has been convicted of a different offense; or

14           (c) Is not amenable to justice; or

15           (d) Has been acquitted; or

16           (e) Lacked the capacity to commit an offense; or

17           (f) Is a law enforcement officer or other government agent who did  
18 not intend that a crime be committed.

19           (3) Criminal conspiracy is a:

- 1           (a) Class A felony when an object of the conspiratorial agreement  
2 is murder in the first degree;
- 3           (b) Class B felony when an object of the conspiratorial agreement  
4 is a class A felony other than murder in the first degree;
- 5           (c) Class C felony when an object of the conspiratorial agreement  
6 is a class B felony;
- 7           (d) Gross misdemeanor when an object of the conspiratorial  
8 agreement is a class C felony;
- 9           (e) Misdemeanor when an object of the conspiratorial agreement is  
10 a gross misdemeanor or misdemeanor.

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