

CERTIFICATION OF ENROLLMENT

SENATE BILL 5085

55th Legislature
1997 Regular Session

Passed by the Senate March 6, 1997
YEAS 44 NAYS 3

President of the Senate

Passed by the House April 8, 1997
YEAS 95 NAYS 0

**Speaker of the
House of Representatives**

Approved

Governor of the State of Washington

CERTIFICATE

I, Mike O Connell, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SENATE BILL 5085** as passed by the Senate and the House of Representatives on the dates hereon set forth.

Secretary

FILED

**Secretary of State
State of Washington**

SENATE BILL 5085

Passed Legislature - 1997 Regular Session

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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