

CERTIFICATION OF ENROLLMENT

**SENATE BILL 5085**

Chapter 17, Laws of 1997

55th Legislature  
1997 Regular Session

CRIMINAL CONSPIRACY--LIMITING DEFENSES

EFFECTIVE DATE: 7/27/97

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

BRAD OWEN

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**President of the Senate**

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

CLYDE BALLARD

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**Speaker of the  
House of Representatives**

Approved April 15, 1997

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.

MIKE O'CONNELL

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**Secretary**

FILED

April 15, 1997 - 5:35 p.m.

GARY LOCKE

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**Governor of the State of Washington**

**Secretary of State  
State of Washington**

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**SENATE BILL 5085**

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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.

Passed the Senate March 6, 1997.

Passed the House April 8, 1997.

Approved by the Governor April 15, 1997.

Filed in Office of Secretary of State April 15, 1997.