

§151. Criminal conspiracy

1. A person is guilty of criminal conspiracy if, with the intent that conduct be performed that in fact would constitute a crime or crimes, the actor agrees with one or more others to engage in or cause the performance of the conduct and the most serious crime that is the object of the conspiracy is:

A. Murder. Violation of this paragraph is a Class A crime; [PL 2001, c. 383, §5 (NEW); PL 2001, c. 383, §156 (AFF).]

B. A Class A crime. Violation of this paragraph is a Class B crime; [PL 2001, c. 383, §5 (NEW); PL 2001, c. 383, §156 (AFF).]

C. A Class B crime. Violation of this paragraph is a Class C crime; [PL 2001, c. 383, §5 (NEW); PL 2001, c. 383, §156 (AFF).]

D. A Class C crime. Violation of this paragraph is a Class D crime; or [PL 2001, c. 383, §5 (NEW); PL 2001, c. 383, §156 (AFF).]

E. A Class D or Class E crime. Violation of this paragraph is a Class E crime. [PL 2001, c. 383, §5 (NEW); PL 2001, c. 383, §156 (AFF).]
[PL 2001, c. 383, §5 (AMD); PL 2001, c. 383, §156 (AFF).]

2. If the actor knows that one with whom the actor agrees has agreed or will agree with a 3rd person to effect the same objective, the actor is deemed to have agreed with the 3rd person, whether or not the actor knows the identity of the 3rd person.

[PL 2001, c. 383, §5 (AMD); PL 2001, c. 383, §156 (AFF).]

3. A person who conspires to commit more than one crime is guilty of only one conspiracy if the crimes are the object of the same agreement or continuous conspiratorial relationship.

[PL 1975, c. 499, §1 (NEW).]

4. A person may not be convicted of criminal conspiracy unless it is alleged and proved that the actor, or one with whom the actor conspired, took a substantial step toward commission of the crime. A substantial step is any conduct which, under the circumstances in which it occurs, is strongly corroborative of the firmness of the actor's intent to complete commission of the crime; provided that speech alone may not constitute a substantial step.

[PL 2001, c. 383, §5 (AMD); PL 2001, c. 383, §156 (AFF).]

5. Accomplice liability for crimes committed in furtherance of the criminal conspiracy is to be determined by the provisions of section 57.

[PL 2001, c. 383, §5 (AMD); PL 2001, c. 383, §156 (AFF).]

6. For the purpose of determining the period of limitations under section 8, the following provisions govern.

A. A criminal conspiracy is deemed to continue until the criminal conduct that is its object is performed, or the agreement that it be performed is frustrated or is abandoned by the actor and by those with whom the actor conspired. For purposes of this subsection, the object of the criminal conspiracy includes escape from the scene of the crime, distribution of the fruits of the crime, and measures, other than silence, for concealing the commission of the crime or the identity of its perpetrators. [PL 2001, c. 383, §5 (AMD); PL 2001, c. 383, §156 (AFF).]

B. If a person abandons the agreement, the criminal conspiracy terminates as to the actor only when:

(1) The actor informs a law enforcement officer of the existence of the criminal conspiracy and of the actor's participation therein; or

(2) The actor advises those with whom the actor conspired of the actor's abandonment. Abandonment is an affirmative defense. [PL 2001, c. 383, §5 (AMD); PL 2001, c. 383, §156 (AFF).]

[PL 2001, c. 383, §5 (AMD); PL 2001, c. 383, §156 (AFF).]

7. It is not a defense to prosecution under this section that another person with whom the actor is alleged to have conspired has been acquitted, has not been prosecuted or convicted, has been convicted of a different offense, is not subject to prosecution as a result of immaturity, or is immune from or otherwise not subject to prosecution.

[PL 2001, c. 383, §5 (AMD); PL 2001, c. 383, §156 (AFF).]

8. It is a defense to prosecution under this section that, had the objective of the criminal conspiracy been achieved, the actor would have been immune from liability under the law defining the offense, or as an accomplice under section 57.

[PL 2001, c. 383, §5 (AMD); PL 2001, c. 383, §156 (AFF).]

9.

[PL 2001, c. 383, §5 (RP); PL 2001, c. 383, §156 (AFF).]

SECTION HISTORY

PL 1975, c. 499, §1 (NEW). PL 1975, c. 740, §35 (AMD). PL 1977, c. 510, §§29-31 (AMD). PL 2001, c. 383, §5 (AMD). PL 2001, c. 383, §156 (AFF).

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