

SENATE BILL REPORT

HB 1049

As Reported By Senate Committee On:
Law & Justice, February 15, 1996

Title: An act relating to criminal conspiracy.

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

Sponsors: Representatives Padden and Schoesler.

Brief History:

Committee Activity: Law & Justice: 3/16/95 [DP]; 2/15/96 [DP].

SENATE COMMITTEE ON LAW & JUSTICE

Majority Report: Do pass.

Signed by Senators Smith, Chair; Fairley, Vice Chair; Haugen, Johnson, Long, McCaslin, Roach and Schow.

Staff: Cynthia Runger (786-7717)

Background: A person is guilty of criminal conspiracy if he or she agrees with another person or persons to commit a crime, and any one of them takes a substantial step in pursuance of the agreement.

A recent Washington Supreme Court decision held that the crime of criminal conspiracy requires a bilateral agreement among the co-conspirators, meaning that both the conspirator and at least one other co-conspirator must intend for the crime to be committed. The court held that there was no "agreement" for the purposes of conspiracy if the only co-conspirator was an undercover police agent 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 does not intend that a crime be committed.

Appropriation: None.

Fiscal Note: Not requested.

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

Testimony For: None.

Testimony Against: None.

Testified: No one.