

TITLE 7. PUBLIC PEACE, MORALS, AND WELFARE

Chapter 7.3

ANTICIPATORY OFFENSES

Sections:

- 7.3.1 Criminal Attempt.
- 7.3.2 Criminal Solicitation.
- 7.3.3 Criminal Conspiracy.

7.3.1. Criminal Attempt. (a) A person is guilty of an attempt to commit a crime if, with intent to commit a specific crime, he or she does any act which is a substantial step toward the commission of that crime.

(b) If the conduct in which the person engages otherwise constitutes an attempt to commit a crime, it is no defense to a prosecution of such attempt that the crime charged to have been attempted was under the attendant circumstances factually or legally impossible of commission.

(c) An attempt to commit a crime is a felony if the crime attempted is a felony, a gross misdemeanor if the crime is a gross misdemeanor, and a misdemeanor if the crime is a misdemeanor. (Res. 93-025 (part), passed Mar. 8, 1993)

7.3.2. Criminal Solicitation. (a) A person is guilty of criminal solicitation when, with intent to promote or facilitate the commission of a crime, he or she offers to give or gives money or other things of value to another to engage in specific conduct which would constitute such crime or which would establish complicity of such other person in its commission if attempted or committed.

(b) Criminal solicitation shall be punished in the same manner as criminal attempt under §7.3.1(c). (Res. 93-025 (part), passed Mar. 8, 1993)

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

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

- (1) Has not been prosecuted or convicted;
- (2) Has been convicted of a different offense;
- (3) Is not amenable to justice;

(4) Has been acquitted; or

(5) Lacked the capacity to commit an offense.

(c) Criminal conspiracy is a felony if the object of the conspiracy is a felony, a gross misdemeanor if the object is a gross misdemeanor, and a misdemeanor if it is a misdemeanor. (Res. 93-025 (part), passed Mar. 8, 1993)

Note: All subsections in this chapter have been renumbered for consistency, as follows. (Res. 2016-090, Jun. 20, 2016)

All Arabic numerals (1, 2, 3, etc.) used as subsection headings have been changed to lower case letters (a, b, c, etc.)

All lower case letters have been changed to Arabic numerals

Example: What was previously 7.3.3(2)(a) is now 7.3.3(b)(1)