

CHAPTER 2
PARTIES TO CRIME

SECTION:

- 11-2-1: Accountability for Conduct of Another**
- 11-2-2: When Accountability Exists**
- 11-2-3: Separate Conviction of Person Accountable**
- 11-2-4: Accountability for Conduct of Corporation**

11-2-1: ACCOUNTABILITY FOR CONDUCT OF ANOTHER:

A person is responsible for conduct which is an element of an offense if the conduct is either that of the person, or that of another and he or she is legally accountable for such conduct as provided in Section 11-2-2, or both.

11-2-2: WHEN ACCOUNTABILITY EXISTS:

A person is legally accountable for the conduct of another when:

- A. Having a mental state described by the section defining the offense, he or she causes another to perform the conduct, and the other person in fact or by reason of legal incapacity lacks such a mental state; or
- B. The section defining the offense makes the person so accountable; or
- C. Either before or during the commission of an offense, and with the intent to promote or facilitate such commission, he or she solicits, aids, abets, agrees or attempts to aid, such other person in the planning or commission of the offense. However, a person is not so accountable, unless the section defining the offense provides otherwise, if:
 - 1. The person is a victim of the offense committed; or
 - 2. The offense is so defined that the conduct was inevitably incident to its commission; or

3. Before the commission of the offense, he or she terminates the effort to promote or facilitate such commission, and does one of the following: wholly deprives his or her prior efforts of effectiveness in such commission, or gives timely warning to the proper law enforcement authorities, or otherwise makes proper effort to prevent the commission of the offense.

11-2-3: SEPARATE FINDING OF GUILTY OF PERSON ACCOUNTABLE:

A person who is legally accountable for the conduct of another which is an element of an offense may be found guilty upon proof that the offense was committed and that he or she was so accountable, although the other person claimed to have committed the offense has not been prosecuted or found guilty, or has been convicted of a different offense or degree of offense, or is not amenable to justice, or has been acquitted.

11-2-4: ACCOUNTABILITY FOR CONDUCT OF CORPORATION:

- A. A person is legally accountable for conduct which is an element of an offense and which, in the name or in behalf of a corporation; he or she performs or causes to be performed, to the same extent as if the conduct were performed in the person's own name or behalf.
- B. An individual who has been found guilty of an offense by reason of legal accountability for the conduct of a corporation is subject to the punishment authorized by law for an individual upon being found guilty of such offense, although only a lesser or different punishment is authorized for the corporation.