

CHAPTER 3

INCHOATE OFFENSES- SOLICITATION, CONSPIRACY AND ATTEMPT

SECTION:

- 11-3-1: Solicitation
- 11-3-2: Conspiracy
- 11-3-3: Defense
- 11-3-4: Attempt

11-3-1: SOLICITATION:

- A. Elements of the Offense: A person commits solicitation when, with the intent that an offense be committed, he or she commands, encourages or requests another to commit that offense.
- B. Penalty: A person convicted of solicitation may be fined not to exceed the maximum provided for the offense solicited.

11-3-2: CONSPIRACY:

- A. Elements of the Offense: A person commits conspiracy when, with the intent that an offense be committed, he or she agrees with another to the commission of that offense. No person may be convicted of conspiracy to commit an offense unless an act in furtherance of such agreement is alleged and proved to have been committed by the person or by a co-conspirator.
- B. Co-Conspirators: It shall not be a defense to conspiracy that the person or persons with whom the accused is alleged to have conspired:
 - 1. Has not been prosecuted or convicted, or
 - 2. Has been convicted of a different offense, or

3. Is not amenable to justice, or
4. Has been acquitted, or
5. Lacked the capacity to commit an offense.

11-3-3: DEFENSE:

It is a defense to a charge of solicitation or conspiracy that if the criminal object were achieved, the accused would not be guilty of an offense.

11-3-4: ATTEMPT:

- A. Elements of the Offense: A person commits an attempt when, with intent to commit a specific offense, he or she does any act which constitutes a substantial step toward the commission of that offense.
- B. Impossibility: It shall not be a defense to a charge of attempt that because of a misapprehension of the circumstances it would have been impossible for the accused to commit the offense attempted.