

# FINAL BILL REPORT

## SB 5085

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C 17 L 97

Synopsis as Enacted

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

**Sponsors:** Senators Roach, Swecker, McCaslin and Winsley.

**Senate Committee on Law & Justice**

**House Committee on Law & Justice**

**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 purpose of conspiracy, if the only co-conspirator was an undercover police agent who did not intend for a crime to be committed.

**Summary:** 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.

**Votes on Final Passage:**

Senate	44	3
House	95	0

**Effective:** July 27, 1997