

# SENATE BILL REPORT

## SB 5085

---

As Passed Senate, March 6, 1997

**Title:** An act relating to criminal conspiracy.

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

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

**Brief History:**

**Committee Activity:** Law & Justice: 1/20/97, 1/21/97 [DP].  
Passed Senate, 3/6/97, 44-3.

---

### SENATE COMMITTEE ON LAW & JUSTICE

**Majority Report:** Do pass.

Signed by Senators Roach, Chair; Johnson, Vice Chair; Fairley, Goings, Hargrove, Haugen, Jacobsen, Long, McCaslin and Stevens.

**Staff:** Mal Murphy (786-7412)

**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 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.

