

SECOND REGULAR SESSION

# HOUSE BILL NO. 1977

## 97TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE TORPEY.

5695H.011

D. ADAM CRUMBLISS, Chief Clerk

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### AN ACT

To repeal section 564.016, RSMo, and to enact in lieu thereof one new section relating to conspiracy to commit murder, with penalty provisions.

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*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Section 564.016, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 564.016, to read as follows:

564.016. 1. A person is guilty of conspiracy with another person or persons to commit an offense if, with the purpose of promoting or facilitating its commission he agrees with such other person or persons that they or one or more of them will engage in conduct which constitutes such offense.

2. If a person guilty of conspiracy knows that a person with whom he conspires to commit an offense has conspired with another person or persons to commit the same offense, he is guilty of conspiring with such other person or persons to commit such offense, whether or not he knows their identity.

3. If a person conspires to commit a number of offenses, he is guilty of only one conspiracy so long as such multiple offenses are the object of the same agreement.

4. No person may be convicted of conspiracy to commit an offense unless an overt act in pursuance of such conspiracy is alleged and proved to have been done by him or by a person with whom he conspired.

5. (1) No one shall be convicted of conspiracy if, after conspiring to commit the offense, he prevented the accomplishment of the objectives of the conspiracy under circumstances manifesting a renunciation of his criminal purpose.

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

17 (2) The defendant shall have the burden of injecting the issue of renunciation of criminal  
18 purpose under subdivision (1) of this subsection.

19 6. For the purpose of time limitations on prosecutions:

20 (1) Conspiracy is a continuing course of conduct which terminates when the offense or  
21 offenses which are its object are committed or the agreement that they be committed is  
22 abandoned by the defendant and by those with whom he conspired.

23 (2) If an individual abandons the agreement, the conspiracy is terminated as to him only  
24 if he advises those with whom he has conspired of his abandonment or he informs the law  
25 enforcement authorities of the existence of the conspiracy and of his participation in it.

26 7. A person may not be charged, convicted or sentenced on the basis of the same course  
27 of conduct of both the actual commission of an offense and a conspiracy to commit that offense.

28 8. Unless otherwise provided, a conspiracy to commit an offense is a:

29 (1) Class B felony if the object of the conspiracy is a class A felony, **except that**  
30 **conspiracy to commit murder in the first degree shall be the same penalty as the crime of**  
31 **murder in the first degree as established under section 565.020.**

32 (2) Class C felony if the object of the conspiracy is a class B felony.

33 (3) Class D felony if the object of the conspiracy is a class C felony.

34 (4) Class A misdemeanor if the object of the conspiracy is a class D felony.

35 (5) Class C misdemeanor if the object of the conspiracy is a misdemeanor of any degree  
36 or an infraction.

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