Ho#2 Justin Bell CHAPTER 22-4A HB1274

SOLICITATION

22-4A-1 Criminal solicitation--Penalty.
22-4A-2 Fact offense not committed or attempted not a defense.
22-4A-3 Proof required for conviction of criminal solicitation.
22-4A-4 Renunciation of criminal intent--Requirements.

22-4A-1. Criminal solicitation--Penalty.

Any person who, with the intent to promote or facilitate the commission of a crime, commands, hires, requests, or solicits another person to engage in specific conduct which would constitute the commission of such offense or an attempt to commit such offense, is guilty of criminal solicitation.

Criminal solicitation is a:

(1) Class 1 felony if the offense solicited is a Class A, B or C felony;
(2) Class 2 felony if the offense solicited is a Class 1 felony;
(3) Class 3 felony if the offense solicited is a Class 2 felony;
(4) Class 4 felony if the offense solicited is a Class 3 felony;
(5) Class 5 felony if the offense solicited is a Class 4 felony;
(6) Class 6 felony if the offense solicited is a Class 5 felony; or
(7) Class 1 misdemeanor if the offense solicited is a Class 6 felony.

Source: SL 2005, ch 120, § 438.

22-4A-2. Fact offense not committed or attempted not a defense.

It is not a defense to prosecution for criminal solicitation that the person solicited neither committed or attempted to commit the offense solicited nor was capable of committing or attempting to commit the offense solicited.

Source: SL 2005, ch 120, § 439.

22-4A-3. Proof required for conviction of criminal solicitation.

No person may be convicted of criminal solicitation upon the uncorroborated testimony of the person allegedly solicited, and there must be proof of circumstances corroborating both the solicitation and the defendant's intent.

Source: SL 2005, ch 120, § 440.

22-4A-4. Renunciation of criminal intent--Requirements.

No person may be convicted of criminal solicitation if, under circumstances manifesting a voluntary and complete renunciation of the defendant's criminal intent, the defendant:

(1) Notified the person solicited of his or her renunciation; and
(2) Gave timely and adequate warning to the law enforcement authorities or otherwise made a substantial effort to prevent the commission of the criminal conduct solicited.

The burden of injecting this issue is on the defendant, but this does not shift the burden of proof.

Source: SL 2005, ch 120, § 441.