

§152. Criminal attempt

1. A person is guilty of criminal attempt if, acting with the kind of culpability required for the commission of the crime, and with the intent to complete the commission of the crime, the person engages in conduct that in fact constitutes a substantial step toward its commission and the crime is:

A. Murder. Violation of this paragraph is a Class A crime; [PL 2001, c. 383, §6 (NEW); PL 2001, c. 383, §156 (AFF).]

B. A Class A crime. Violation of this paragraph is a Class B crime; [PL 2001, c. 383, §6 (NEW); PL 2001, c. 383, §156 (AFF).]

C. A Class B crime. Violation of this paragraph is a Class C crime; [PL 2001, c. 383, §6 (NEW); PL 2001, c. 383, §156 (AFF).]

D. A Class C crime. Violation of this paragraph is a Class D crime; or [PL 2001, c. 383, §6 (NEW); PL 2001, c. 383, §156 (AFF).]

E. A Class D crime or Class E crime. Violation of this paragraph is a Class E crime. [PL 2001, c. 383, §6 (NEW); PL 2001, c. 383, §156 (AFF).]

A substantial step is any conduct that goes beyond mere preparation and is strongly corroborative of the firmness of the actor's intent to complete the commission of the crime.

[PL 2001, c. 383, §6 (AMD); PL 2001, c. 383, §156 (AFF).]

2. It is not a defense to a prosecution under this section that it was impossible to commit the crime that the person attempted, provided that it would have been committed had the factual and legal attendant circumstances specified in the definition of the crime been as the person believed them to be. [PL 2001, c. 383, §6 (AMD); PL 2001, c. 383, §156 (AFF).]

3. A person who engages in conduct intending to aid another to commit a crime is guilty of criminal attempt if the conduct would establish the person's complicity under section 57 were the crime committed by the other person, even if the other person is not guilty of committing or attempting the crime.

[PL 2001, c. 383, §6 (AMD); PL 2001, c. 383, §156 (AFF).]

3-A. An indictment, information or complaint, or count thereof, charging the commission of a crime under chapters 9 through 45, or a crime outside this code is deemed to charge the commission of the attempt to commit that crime and may not be deemed duplicitous thereby.

[PL 2001, c. 383, §6 (AMD); PL 2001, c. 383, §156 (AFF).]

4.

[PL 2001, c. 667, Pt. D, §1 (RP); PL 2001, c. 667, Pt. D, §36 (AFF).]

5.

[PL 2001, c. 667, Pt. D, §2 (RP); PL 2001, c. 667, Pt. D, §36 (AFF).]

SECTION HISTORY

PL 1975, c. 499, §1 (NEW). PL 1975, c. 740, §36 (AMD). PL 1977, c. 510, §§32-34 (AMD). PL 1995, c. 422, §1 (AMD). PL 2001, c. 383, §6 (AMD). PL 2001, c. 383, §156 (AFF). PL 2001, c. 413, §1 (AMD). PL 2001, c. 667, §§D1,2 (AMD). PL 2001, c. 667, §D36 (AFF).

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