

pursuance of the conspiracy.

SENATOR CHAMBERS: Okay, but that doesn't mean that it's a violent act against the person who is to be the victim. An overt act can be me calling you on the phone and saying, John, I think we need to get together and go blow up this building and I'm going to come pick you up.

SENATOR LINDSAY: I think the agreement itself would be the first part of that. But calling up and saying I agree, I'm going to come on over and pick you up and we're going to do this and you say, that's cool, we'll do it. I'm not sure that...it may be a fact question whether driving over to pick you up would be an overt act in furtherance of it. It's probably stopping and picking up a bomb on the way over.

SENATOR CHAMBERS: Are there any case...cases cited under there? And I'm not going to ask you to read them while you're standing here, but it might give an indication of what an overt act would be deemed to be.

SENATOR LINDSAY: And there is...there is an annotation that an overt act...this is from State v. Copple. an overt act is an act which tends to show a preexisting conspiracy and manifests an intent or design toward accomplishment of a crime but need not itself have the capacity to accomplish the conspiratorial objective and need not itself be a criminal act

SENATOR CHAMBERS: Right. It doesn't have to be a criminal act and it doesn't have to manifest an ability to carry it out. We get together and all that has to be shown is the conspiratorial design, and that is not a violent act. It's not even a criminal act. It's not a threat. It's not an attempt. It's not anything under the law which in and of itself violates the law. So suppose we struck conspiracy, how would that hinder this bill?

SENATOR LINDSAY: Frankly, if conspiracy was stricken from this, I don't think it would be a major change to the bill. It would not be anything that would make me entirely uncomfortable. The thrust, I think, consistently I have maintained the thrust of this is getting at the violent...the violent crimes that are set forth in the specific statutes.

SENATOR CHAMBERS: And now I'll be very...I'll level with you, I