

Criminal solicitation in the second degree is a felony.

405 CRIMINAL SOLICITATION IN THE FIRST DEGREE

A Native American is guilty of criminal solicitation in the first degree when, being over eighteen years of age, with intent that another person under sixteen years of age engage in conduct that would constitute a felony, he solicits, requests, commands, importunes or otherwise attempts to cause such other person to engage in such conduct.

Criminal solicitation in the first degree is a felony.

406 CRIMINAL SOLICITATION; NO DEFENSE

It is no defense to a prosecution for criminal solicitation that the person solicited could not be guilty of the crime solicited owing to criminal irresponsibility or other legal incapacity or exemption, or to unawareness of the criminal nature of the conduct solicited or of the defendant's criminal purpose or to other factors precluding the mental state required for the commission of the crime in question.

407 CRIMINAL SOLICITATION; EXEMPTION

A Native American is not guilty of criminal solicitation when his solicitation constitutes conduct of a kind that is necessarily incidental to the commission of the crime solicited. When under such circumstances the solicitation constitutes an offense other than criminal solicitation which is related to but separate from the crime solicited, the actor is guilty of such related and separate offense only and not of criminal solicitation.

B. CONSPIRACY

408 CONSPIRACY IN THE SIXTH DEGREE

A Native American is guilty of conspiracy in the sixth degree when, with intent that conduct constituting a crime be performed, he agrees with one or more persons to engage in or cause the performance of such conduct.

Conspiracy in the sixth degree is a misdemeanor.

409 CONSPIRACY IN THE FIFTH DEGREE

A Native American is guilty of conspiracy in the fifth degree when, with intent that conduct constituting:

1. a felony be performed, he agrees with one or more persons to engage in or

cause the performance of such conduct; or

2. a crime be performed, he, being over eighteen years of age, agrees with one or more persons under sixteen years of age to engage in or cause the performance of such conduct.

Conspiracy in the fifth degree is a misdemeanor.

410 CONSPIRACY IN THE FOURTH DEGREE

A Native American is guilty of conspiracy in the fourth degree when, with intent that conduct constituting:

1. a felony be performed, he agrees with one or more persons to engage in or cause the performance of such conduct; or
2. a felony be performed, he, being over eighteen years of age, agrees with one or more persons under sixteen years of age to engage in or cause the performance of such conduct.

Conspiracy in the fourth degree is a felony.

411 CONSPIRACY IN THE THIRD DEGREE

A Native American is guilty of conspiracy in the third degree when, with intent that conduct constituting a felony be performed, he, being over eighteen years of age, agrees with one or more persons under sixteen years of age to engage in or cause the performance of such conduct.

Conspiracy in the third degree is a felony.

412 CONSPIRACY IN THE SECOND DEGREE

A Native American is guilty of conspiracy in the second degree when, with intent that conduct constituting a felony be performed, he agrees with one or more persons to engage in or cause the performance of such conduct.

Conspiracy in the second degree is a felony.

413 CONSPIRACY IN THE FIRST DEGREE

A Native American is guilty of conspiracy in the first degree when, with intent that conduct constituting a felony be performed, he, being over eighteen years of age, agrees with one or more persons under sixteen years of age to engage in or cause the performance of such

conduct.

Conspiracy in the first degree is a felony.

414 CONSPIRACY; PLEADING AND PROOF; NECESSITY OF OVERT ACT

A Native American shall not be convicted of conspiracy unless an overt act is alleged and proved to have been committed by one of the conspirators in furtherance of the conspiracy.

415 CONSPIRACY; JURISDICTION AND VENUE

1. A Native American may be prosecuted for conspiracy in the county in which he entered into such conspiracy or in any county in which an overt act in furtherance thereof was committed.
2. An agreement made within the territorial jurisdiction of the Oneida Indian Nation to engage in or cause the performance of conduct in another jurisdiction is punishable herein as a conspiracy only when such conduct would constitute a crime both under the laws of the Nation if performed herein and under the laws of the other jurisdiction if performed therein.
3. An agreement made in another jurisdiction to engage in or cause the performance of conduct within this state, which would constitute a crime herein, is punishable herein only when an overt act in furtherance of such conspiracy is committed within this state. Under such circumstances, it is no defense to a prosecution for conspiracy that the conduct which is the objective of the conspiracy would not constitute a crime under the laws of the other jurisdiction if performed therein.

416 CONSPIRACY; NO DEFENSE

It is no defense to a prosecution for conspiracy that, owing to criminal irresponsibility or other legal incapacity or exemption, or to unawareness of the criminal nature of the agreement or the object conduct or of the defendant's criminal purpose or to other factors precluding the mental state required for the commission of conspiracy or the object crime, one or more of the defendant's co-conspirators could not be guilty of conspiracy or the object crime.

417 CONSPIRACY; ENTERPRISE CORRUPTION; APPLICABILITY

For the purposes of this code, conspiracy to commit the crime of enterprise corruption shall not constitute an offense.