

**MILLVILLE CITY CODE**  
**TITLE 9 - PUBLIC PEACE, MORALS AND WELFARE**  
**CHAPTER 9.08 - INCHOATE OFFENSES**

[9.08.010: ATTEMPT; ELEMENTS OF OFFENSE](#)

[9.08.020: ATTEMPT; CLASSIFICATION OF OFFENSES](#)

[9.08.030: CONSPIRACY; ELEMENTS OF OFFENSE](#)

[9.08.040: CONSPIRACY; CLASSIFICATION OF OFFENSES](#)

[9.08.050: SPECIFIC ATTEMPT OR CONSPIRACY OFFENSE PREVAILS](#)

[9.08.060: CONVICTION OF INCHOATE AND PRINCIPAL OFFENSE PROHIBITED](#)

**9.08.010: ATTEMPT; ELEMENTS OF OFFENSE**

- A. For the purpose of this chapter a person is guilty of an attempt to commit any act made an offense by any ordinance of this municipality if, acting with the kind of culpability otherwise required for the commission of the offense, he or she engages in conduct constituting a substantial step toward commission of the offense.
- B. For purposes of this chapter, conduct does not constitute a substantial step unless it is strongly corroborative of the actor's intent to commit the offense.
- C. No defense to the offense of attempt shall arise:
  - 1. Because of the offense attempted was actually committed; or
  - 2. Due to factual or legal impossibility if the offense could have been committed had the attendant circumstances been as the actor believed them to be. (Prior code § 13-411)

### **9.08.020: ATTEMPT; CLASSIFICATION OF OFFENSES**

Criminal attempt to commit:

- A. A class B misdemeanor is a class C misdemeanor;
- B. A class C misdemeanor is punishable by a penalty not exceeding one-half ( $\frac{1}{2}$ ) the penalty for a class C misdemeanor;
- C. An infraction is punishable by a penalty not exceeding one-half ( $\frac{1}{2}$ ) the penalty for an infraction. (Ord. 2000-10 § 2: prior code § 13-412)

### **9.08.030: CONSPIRACY; ELEMENTS OF OFFENSE**

For purposes of this chapter a person is guilty of conspiracy when he or she, intending that conduct constituting an offense under these ordinances whether he or she specifically intends to violate the ordinances or not, agrees with one or more persons to engage in or cause the performance of such conduct and any one of them commits an overt act in pursuance of the conspiracy, except where the offense is arson, or burglary, the overt act is not required for the commission of the conspiracy. (Prior code § 13-421)

### **9.08.040: CONSPIRACY; CLASSIFICATION OF OFFENSES**

Conspiracy to commit:

- A. A class B misdemeanor is a class C misdemeanor;
- B. A class C misdemeanor is punishable by a penalty not exceeding one-half ( $\frac{1}{2}$ ) the penalty for a class C misdemeanor;
- C. An infraction is punishable by a penalty not exceeding one-half ( $\frac{1}{2}$ ) the penalty for an infraction. (Ord. 2000-10 § 2: prior code § 13-422)

### **9.08.050: SPECIFIC ATTEMPT OR CONSPIRACY OFFENSE PREVAILS**

Whenever any offense specifically designates or defines an attempt or conspiracy and provides a penalty for the attempt or conspiracy other than provided in this chapter, the specific offense shall prevail over the provisions of this chapter. (Prior code § 13-431)

### **9.08.060: CONVICTION OF INCHOATE AND PRINCIPAL OFFENSE PROHIBITED**

No person shall be convicted of both an inchoate and principal offense. (Prior code § 13-432)