

Liability for the Crimes of Another

When the legislature establishes new crimes or amends criminal penalties, the changes apply to a person who violates the law, but also apply to others involved before, during, or after the crime takes place. A person who helps another commit a crime can be held responsible, or liable, for the other person's actions. This is referred to as "aiding and abetting," "accomplice liability," "conspiracy," or "aiding an offender after the fact."

How can someone who did not commit a crime be held responsible for the crime?

Minnesota law makes it illegal to help someone else commit a crime, plan to commit a crime, or hide the fact that a crime was committed. A person who helps another commit a crime is an accomplice. A conspiracy exists when multiple people plan to commit a crime and take some action to commit it. A person who learns of a crime after it took place and then tries to assist the criminal is guilty of aiding an offender.

Who qualifies as an accomplice to a crime?

A person who "intentionally aids, advises, hires, counsels, or conspires with or otherwise procures the other to commit" a crime is an accomplice under [Minnesota Statutes, section 609.05](#), and can be convicted of committing the crime even if someone else actually violates the law. The participation can come before or during the actual crime and is often referred to as "aiding and abetting" a crime.

What if you do not know that the other person is planning to commit a crime?

The concept of "intentionally aiding" includes two required mental states. *First*, a person must know that the actor is going to commit a crime. *Second*, the person must intend any actions, including being present at the scene, to further that crime.

The accomplice does not necessarily need to know a crime is going to be committed before it begins. If a person becomes aware that someone is committing a crime and then makes a choice to aid, or continue to aid, in the commission of the crime, then the person is an accomplice.

Example:

- Person A drives a bank robber to the bank but does not know of the plan to commit a robbery. Driving the robber to the bank aided in the crime, but Person A did not know about the robbery and did not intend to help. Person A is not an accomplice.
- Person B also drove a robber to the bank without knowing of the plan, but saw the robbery in process and remained at the scene to drive the robber away. Person B chose to assist the crime. Even though the robber did not know of that decision, Person B is an accomplice.

<i>What if someone is at the scene of a crime but does not actually do anything?</i>	Simply being present at the scene of a crime does not make a person an accomplice. However, an accomplice does not have to actively participate in the crime. A jury can infer that someone at the scene of a crime intended that presence to offer support based on the person's actions before, during, and after that crime.
<i>What if something unexpected happens during the crime?</i>	Accomplice liability is broad. An accomplice is liable for any additional crime committed during the intended offense if the new crime was reasonably foreseeable. For example, an accomplice to armed robbery would be guilty of murder if one of the other accomplices killed someone.
<i>What if someone no longer wants the crime to take place?</i>	A person who would otherwise be an accomplice can avoid liability by: (1) abandoning the criminal activity, and (2) making a reasonable effort to prevent the crime.
<i>How is conspiracy different from accomplice liability?</i>	While accomplice liability is a way to make someone responsible for a crime committed by another, conspiracy is a separate crime under Minnesota Statutes, section 609.175 . The crime of conspiracy does not make one liable for the crimes of another, but does make it illegal to plan a crime with someone else. To be guilty of a conspiracy, there must be: (1) an agreement to commit a crime, and (2) an act to further that agreement.
<i>Can a person be guilty of conspiracy and also be an accomplice?</i>	Yes. A person's actions can constitute both forming a conspiracy and assisting in the commission of a crime.
<i>What does it mean to aid an offender after the fact?</i>	If a crime has already been completed, a person cannot become an accomplice or join a conspiracy to commit the crime. However, someone who helps an offender after a crime has been committed, or simply receives the proceeds of the crime, commits the crime of aiding an offender after the fact in violation of Minnesota Statutes, section 609.495 .
<i>What actions constitute aiding an offender after the fact?</i>	There are three primary ways that someone can aid an offender. <i>First</i> , it is a felony to help or conceal someone who committed a felony in order to help the person avoid arrest or punishment. The penalty applies whether the assistance involves some physical act, or simply the person's words. <i>Second</i> , a person can be sentenced to up to half of the maximum sentence for the underlying crime if the person obstructs an investigation by destroying evidence, providing false information about the crime, or receiving the proceeds of the crime. <i>Finally</i> , a person who falsely claims to have committed a crime in order to protect the true criminal can be sentenced to up to half of the maximum sentence of imprisonment for the underlying crime.

For more information: Contact legislative analyst Ben Johnson at 651-296-8957.

The Research Department of the Minnesota House of Representatives is a nonpartisan office providing legislative, legal, and information services to the entire House.

House Research Department | 600 State Office Building | St. Paul, MN 55155 | 651-296-6753 | www.house.mn/hrd/