

## **CHAPTER 3 PUNISHMENT**

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#### **5-3-1 DOUBLE JEOPARDY.**

An act or omission which is made punishable in different ways by different provisions of this Code may be punished under either of such provisions, but in no case can commission of such act or omission be punished under more than one; an acquittal or conviction and sentence under either one, bars a prosecution for the same act or omission under any other.

#### **5-3-2 AIDING IN MISDEMEANORS.**

Whenever an act is declared a misdemeanor and no punishment for counseling, aiding in, soliciting or inciting the commission of such act is expressly prescribed by law, every person who counsels, aids, solicits or incites another in the commission of such act is guilty of a misdemeanor.

#### **5-3-3 CONVICTION OF ATTEMPT WHEN CRIME IS CONSUMMATED.**

Any person may be convicted of an attempt to commit a crime, although it appears on the trial that the crime intended or attempted was perpetrated by such person in pursuance of such attempt, unless the court, in its discretion, discharges the jury, and directs such person to be tried for such crime.

#### **5-3-4 PUNISHMENT FOR ATTEMPTS.**

Every person convicted of attempting to commit a crime, may be punished by a fine not exceeding one-half of the maximum amount of the fine or length of imprisonment which could be imposed if the crime had in fact been committed, or both such fine and imprisonment.

#### **5-3-5 SUCCESSIVE TERMS OF IMPRISONMENT.**

Whenever any person is convicted of two or more crimes, before sentence has been pronounced upon them for either, the court, may in its discretion, impose concurrent rather than consecutive sentences.

#### 5-3-6 COMPUTATION OF IMPRISONMENT.

In computing the term of imprisonment, the person against whom the judgment was entered shall receive credit for any period of incarceration prior to entry of judgment if such incarceration was for the offense or an included offense for which the judgment was entered.