

MIISC. Mens Rea

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Strict Liability - lack of mens rea requirement (exception, not the rule)

- **General Rule** - mens rea required for all crime
 - Firmly imbedded in our criminal law
- **Analysis** - congressional intention
 - Look to actual language of statute
 - If state of mind is present - follow it
 - If state of mind is not present - does Congress expressly state that it is strict liability?
 - If not, go to next step.
 - Look to nature of conduct prohibited by statute
 - Violation (minimal, if any, jail time)
 - Inherently wrong - severe penalty attached
 - If not intended to be strict liability, must read in state of mind
 - CL - purpose or knowledge
 - MPC - purpose, knowledge, or recklessness

Mistake

- **Of Fact**
 - *Strict Liability*
 - Reasonability of mistake irrelevant
 - *Specific Intent*
 - Does mistake relate to specific intent portion of offense?
 - **YES**: If mistake *negates* element, D must be acquitted.
 - **NO**: treat as general intent crime
 - *General Intent*
 - Was mistake reasonable?
 - **YES**: Acquittal
 - **NO**: Conviction is OK

- Of Law
 - *Ignorance*
 - NOT a defense
 - *Exceptions*
 - "Reasonable Reliance" - D relies on an **official** interpretation of the law later determined to be erroneous
 - Omission
 - Ex. Failure of convicted felon to register, duty to register based on "status", *mala prohibitum* offense
 - When element of crime requires knowledge that conduct is a crime.
 - Knowledge of different law (usually non-penal) negates *mens rea* of crime charged