

See: Commission Minutes
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Tape #35

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ARTICLE 2. GENERAL PRINCIPLES OF CRIMINAL LIABILITY

Culpability

Amendments to Preliminary Draft No. 4; April 1969

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Subcommittee No. 1

ARTICLE 2. GENERAL PRINCIPLES OF CRIMINAL LIABILITY

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Section 2. General requirements of culpability. (1) The minimal requirement for criminal liability is the performance by a person of conduct which includes a voluntary act or the omission to perform an act which he is capable of performing.

(2) Except as provided in section 3 of this Article, a person is not guilty of an offense unless he acts with a culpable mental state with respect to each material element of the offense that necessarily requires a culpable mental state.

Section 3. Culpability requirements inapplicable to violations and to offenses defined by other statutes. (1) Notwithstanding the provisions of section 2 of this Article, a culpable mental state is not required if:

(a) The offense constitutes a violation, unless a culpable mental state is expressly included in the definition of the offense; or

(b) An offense defined by a statute outside this Code clearly indicates a legislative intent to dispense with any culpable mental state requirement for the offense or for any material element thereof.

(2) Notwithstanding any other existing law, and unless a statute enacted after the effective date of this Act otherwise provides, an offense defined by a statute outside this Code that requires no culpable mental state constitutes a violation.

(3) Although an offense defined by a statute outside this Code requires no culpable mental state with respect to one or more of its material elements, the culpable commission of the offense may be alleged and proved, in which case negligence constitutes sufficient culpability, and the classification of the offense and the authorized sentence are determined by _____ of this Code.

NOTE: Subsequent sections to be renumbered to conform with amendments.