

4 Principles of Criminal Responsibility

[W wasatchdefenselawyers.com/4-principles-of-criminal-responsibility](https://wasatchdefenselawyers.com/4-principles-of-criminal-responsibility)



You can probably name many types of crime, from petty theft to first-degree murder. You probably know that less serious offenses are classed as misdemeanors, and more extreme illegal acts are felony crimes. You may know a lot of other facts about crimes – but, do you know what *makes* an act a crime? In Utah Code 76-2-1-101, the State of Utah and the U.S. government have each laid out a set of fundamental principles that define an act as an occurrence of crime.

State and Federal Principles of Criminal Responsibility

The principles that characterize the nature of an action as criminal are the same, to an extent, under Utah state and U.S. federal laws. However, Federal law goes further in assigning such principles and creates a greater burden of proof for prosecutors in criminal cases. Here are the Utah state and U.S. federal sets of principles of criminal responsibility.

Utah State Law: 2 Required Elements of a Crime

Utah law breaks down the nature of a criminal act into its elements. The person who commits an act that involves all the elements occurring simultaneously is subject to a criminal conviction. These are the requirements of criminal conduct under Utah Code 76-2-101 and 102. This means that a person who commits an act that fits these requirements to be defined as a crime bears criminal responsibility for such an act:

Actus Reus

Someone can only be guilty of a crime if they actually do something that is prohibited by a particular law. Just *thinking* about committing a crime is not a crime.

Mens Rea or Strict Liability

To constitute a crime, the act must involve either a or b below:

1. The *person* must act with *mens rea* (Latin for a “guilty mind”) intention, knowledge, recklessness, criminal negligence, or a mental state that the law otherwise says constitutes *mens rea* (a culpable mental state). OR,
2. The *act* must involve *strict liability*. This means that the law clearly indicates that the act is one to which criminal responsibility is to be assessed *without* requiring proof of a culpable mental state, such as intent, for example.

The age of criminal responsibility in Utah is 14.

U.S. Federal Law: 4 Required Elements of A Crime

United States federal law, as detailed in the Model Penal Code, to all or parts of which many states subscribe, goes further in its requirements for defining an act as a crime. Under Federal law, a person commits a crime when an action in which he or she is engaged involves all four elements listed below occurring together.

In a criminal case, the prosecution bears the burden of proof beyond a reasonable doubt that the following four elements, which constitute a crime under Federal law, occurred together:

Mental state (*mens rea*)

The individual must be in a culpable mental state when he/she commits the act in question. For more detailed explanations of *mens rea*, i.e., the culpable mental states, see Utah Code 76-2-103.

Conduct (*actus reus*)

A criminal act, or the criminal failure to act, must *actually occur*. Just having a criminal mental state or a thought of doing an unlawful act is not sufficient to constitute a crime.

Concurrence

The occurrence of the accused being in a guilty state of mind *and* committing the harmful act must happen at the same time, or, at a minimum, the guilty state of mind must precede the harmful act in order for a crime to be constituted in part by the two elements.

Causation

The harm must have been directly caused by an individual’s action in order for that person to be guilty of a crime. The prosecution must show that the harm would not have happened in the way it occurred without the action(s) of the accused.

Transferred Intent

Intent is one of the culpable mental states that account for one of the fundamental principles of criminal responsibility for a harmful action. However, Utah law provides for instances in which a different person becomes the victim of the criminal action, instead of the person the perpetrator *intended* to harm. (Utah 76-2-105)

Defenses – Lack Of the 4 Elements of a Crime

If applicable, an accused person may show that no crime has been committed because he or she had a lawful justification for committing the act. For example, self-defense, authorization from authorities for the act in question, incompetence, or insanity may have led to the act.

Proving An Act Was A Crime

In prosecuting someone for a crime, the government must first prove beyond a reasonable doubt that all the elements of a crime stipulated under the law occurred. Further, to constitute a crime, the evidence must show that all the elements occurred at the time. So, under Utah law, the accused must have both been in a guilty state of mind *and* committed an act that breaks a law at the same time, and his/her action must have been the direct cause of the harm.

A criminal responsibility evaluation may be based on different criteria in different states, and the states can vary from the set of 4 principles established in the federal government's Model Penal Code.

NOTE: The above principles of criminal responsibility are not applicable to violations addressed in the Utah Traffic Code 41-6.a, unless there is a specific provision in the law that makes them applicable.

Defend Your Rights! Contact Wasatch Defense Lawyers.

We are criminal defense attorneys in Salt Lake City, Utah. We specialize in sex crimes and felony defense. We go to work quickly to have your charges dropped or reduced.

If you are charged with a crime, call Wasatch Defense Lawyers at (801) 980-9965, or contact us online to schedule a free case review and options for your defense.
