Rules of Statutory Interpretation

- Rules 1 – 100: Read the statute
- Precedent
  - Morissette, Balint, Freed
- Legislative History & Purpose
  - No clear legislative intent to dispense with mens rea
- Public policy
  - Long tradition of widespread lawful gun ownership by private individuals
Criminal intent *should* be required for traditional common law offenses, and

Criminal intent *should not* be read into statutes in the public welfare category.
Mistake of Law

♦ Look at statute, is the mistake relevant to MR of crime, i.e. does the mistake negative required MR of crime?

♦ Is the mistake of law a defense under a statutory provision of the criminal code, e.g. MPC §2.04(3)?
Marrero

- PL 265.02. unlicensed possession (knowingly) of pistol

- PL 265.02(a)(1)(a). exempts peace officers

- CL.20 and 2.10. defines peace officers as “correctional officers of any state correctional facility or of any penal correctional institution”
§ 15.20. Effect of ignorance or mistake upon liability.

2. A person is not relieved of criminal liability for conduct because he engages in such conduct under a mistaken belief that it does not, as a matter of law, constitute an offense, unless such mistaken belief is founded upon an official statement of the law contained in (a) a statute or other enactment *
* * * (d) an interpretation of the statute or law relating to the offense, officially made or issued by a public servant, agency, or body legally charged or empowered with the responsibility or privilege of administering, enforcing or interpreting such statute or law.
MPC §2.04 (3)

♦ Ignorance or Mistake.

(3) A belief that conduct does not legally constitute an offense is a defense to a prosecution for that offense based upon such conduct when * * * (b) he acts in reasonable reliance upon an official statement of the law, afterward determined to be invalid or erroneous, contained in (i) a statute or other enactment
People v. Weiss - Kidnapping

A person who wilfully: 1. Seizes, confines, inveigles, or kidnap another, with intent to cause him, without authority of law, to be confined or imprisoned within this state, or to be sent out of the state, or to be sold as a slave, or in any way held to service or kept or detained, against his will ** * is guilty of kidnapping ** *. 
Cheek

- Whether trial court erred in instructing jury that only a reasonable misunderstanding of the law negates the mens rea of willfully?

- Whether the defendant’s belief that the tax laws were unconstitutional provide a defense?