Olsen

- **NATURE OF CONDUCT**: willfully & lewdly committing any lewd or lascivious act upon the body etc. of a child, with intent to arouse etc.

- **AC**: under 14

- **RESULT**: lewd or lascivious act

- **MENS REA**: willfully & lewdly, intent to arouse
Rules of Statutory Interpretation

♦ Rules 1 – 100: Read the statute

♦ Precedent
  – Hernandez, Lopez, Legal Wrong Doctrine

♦ Legislative History & Purpose
  – § 1203.066 providing for probation & harsher penalties

♦ Public policy
  – protect children of tender years)
Morissette

- **NATURE OF CONDUCT**: embezzles, steals, purloin or knowingly converts to his use....sells, conveys, or disposes of any record, etc.

- **AC**: value of property

- **RESULT**: transfer of property (theft)

- **MENS REA**: knowingly
Morissette

- Criminal intent *should* be required for traditional common law offenses, and

- Criminal intent *should not* be read into statutes in the public welfare category.
Public Welfare v. Common Law

♦ Minor violations of crimes that are regulatory in nature
♦ Neglect or inaction
♦ Less severe penalties (usually fine) & less stigma
♦ Recognized complex social order, importance of collective interests
♦ Social betterment
♦ Responsible relation to public danger

♦ Crimes against state, property, persons and morals
♦ Positive aggressions or invasions
♦ Higher penalties
Staples

♦ **NATURE OF CONDUCT**: possess a firearm

♦ **AC**: firearm is not properly registered

♦ **RESULT**: possession of firearm

♦ **MENS REA**: silent
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
Freed

♦ **NATURE OF CONDUCT:** possess a hand grenade

♦ **AC:** grenade is not properly registered

♦ **RESULT:** possession of grenade

♦ **MENS REA:** silent