

### **§34. Culpable state of mind as an element**

1. A person is not guilty of a crime unless that person acted intentionally, knowingly, recklessly or negligently, as the law defining the crime specifies, with respect to each other element of the crime, except as provided in subsection 4. When the state of mind required to establish an element of a crime is specified as "willfully," "corruptly," "maliciously" or by some other term importing a state of mind, that element is satisfied if, with respect thereto, the person acted intentionally or knowingly.  
[PL 1999, c. 23, §2 (AMD).]

2. When the definition of a crime specifies the state of mind sufficient for the commission of that crime, but without distinguishing among the elements thereof, the specified state of mind applies to all the other elements of the crime, except as provided in subsection 4.  
[PL 1999, c. 23, §2 (AMD).]

3. When the law provides that negligence is sufficient to establish an element of a crime, that element is also established if, with respect thereto, a person acted intentionally, knowingly or recklessly. When the law provides that recklessness is sufficient to establish an element of a crime, that element is also established if, with respect thereto, a person acted intentionally or knowingly. When the law provides that acting knowingly is sufficient to establish an element of the crime, that element is also established if, with respect thereto, a person acted intentionally.  
[PL 1981, c. 324, §14 (NEW).]

4. Unless otherwise expressly provided, a culpable mental state need not be proved with respect to:

- A. Any fact that is solely a basis for sentencing classification; [PL 1999, c. 23, §2 (AMD).]
- B. Any element of the crime as to which it is expressly stated that it must "in fact" exist; [PL 1999, c. 23, §2 (AMD).]
- C. Any element of the crime as to which the statute expressly provides that a person may be guilty without a culpable state of mind as to that element; [PL 1999, c. 23, §2 (NEW).]
- D. Any element of the crime as to which a legislative intent to impose liability without a culpable state of mind as to that element otherwise appears; [PL 1999, c. 23, §2 (NEW).]
- E. Any criminal statute as to which it is expressly stated to be a "strict liability crime" or otherwise expressly reflects a legislative intent to impose criminal liability without proof by the State of a culpable mental state with respect to any of the elements of the crime; or [PL 1999, c. 23, §2 (NEW).]
- F. Any criminal statute as to which a legislative intent to impose liability without a culpable state of mind as to any of the elements of the crime otherwise appears. [PL 1999, c. 23, §2 (NEW).]  
[PL 1999, c. 23, §2 (AMD).]

**4-A.** As used in this section, "strict liability crime" means a crime that, as legally defined, does not include a culpable mental state element with respect to any of the elements of the crime and thus proof by the State of a culpable state of mind as to that crime is not required.  
[PL 1999, c. 23, §2 (NEW).]

5.

[PL 1999, c. 23, §2 (RP).]

#### **SECTION HISTORY**

PL 1981, c. 324, §14 (NEW). PL 1981, c. 470, §B6 (AMD). PL 1999, c. 23, §2 (AMD).

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