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**DRAFT**

**DEFINITION OF A CRIME**

A crime is the breaking of a law for which the law provides punishment. All crimes have at least two parts: an act and a criminal state of mind. In deciding whether a person is guilty of a crime, you must determine both what the person's actions were and what his/her state of mind was.

For a person to be guilty of a crime, he/she must have physically acted to do something that is criminal, and he/she must have had a particular state of mind. Unless a person both acted to do something that is criminal and had the required mental state, that person has not committed a crime. That means that if a person either did not physically act to do something criminal or did not have the required mental state, then he/she is not guilty of a crime.

To understand how mental state works, consider this example: suppose two automobile drivers hit a pedestrian who was crossing the street. Suppose one of the drivers hit the pedestrian deliberately, whereas the other one did so out of carelessness. The two drivers would be guilty of different crimes even though they both committed the same act, because each had a different mental state.

\* Committee is considering a practice note.