

## NEW YORK PENAL LAW

## ARTICLE 10 - DEFINITIONS

## §10.00 (OFFENSES, ETC.)

3. **Violation**; no more than 15 days

"CRIME" means:

4. **Misdemeanor**; in excess of 15 days to 1 year

5. **Felony**; in excess of 1 year

10. **Serious Physical Injury**; creates substantial risk of death, or causes death or serious and protracted disfigurement, protracted impairment of health or protracted loss or impairment of the function of any bodily organ

## ARTICLE 15 - CULPABILITY; Including Mistake, Effect of Intoxication

## §15.05 ... DEFINITIONS OF CULPABLE MENTAL STATES

1. **Intentionally**; when  $\Delta$ 's conscious objective is to cause such result or engage in such conduct

2. **Knowingly**; when  $\Delta$  is aware that his conduct is of such nature or that such circumstance exists

3. **Recklessly**; when  $\Delta$  is aware of and consciously disregards a substantial and unjustifiable risk that such result will occur or that such circumstance exists

4. **Criminal Negligence**; when  $\Delta$  fails to perceive a substantial and unjustifiable risk that such result will occur or that such circumstance exists

## §15.20 MISTAKE

1. ... not relieved for **MISTAKE OF FACT** unless

a) **negatives culpable mental state** required

b) statute expressly provides that such factual mistake constitutes a defense or exemption

c) supports defense of **justification under Article 35**

2. ... not relieved for **MISTAKE OF LAW** (belief act does not constitute an offense) **unless founded upon official statement**

contained in

a) statute or other enactment

b) administrative order or grant of permission

c) judicial decision of state or federal court

d) interpretation officially made or issued by public servant, agency or body legally charged responsibility or privilege of administering, enforcing, or interpreting statute or law

## §15.25 EFFECT OF INTOXICATION ...

- not a defense as such; **may be offered to negative element of crime**

## ARTICLE 20 - ACCESSORIAL CONDUCT

## §20.00 CRIMINAL LIABILITY FOR CONDUCT OF ANOTHER

- when acting w/required mens rea,  $\Delta$  solicits, requests, commands, importunes or aids person to engage in conduct

## §20.05 ... NO DEFENSE THAT ...

1. ... **other person not guilty** b/c of criminal irresponsibility, legal exemption, or other factors precluding required mens rea

2. ... **other person has not been prosecuted for or convicted, or has been acquitted thereof, or has legal immunity**

## §20.10 EXEMPTION

- when  $\Delta$ 's conduct, though causing or aiding commission, is of a kind that is necessarily incidental thereto;

*if such conduct is a related but separate offense,  $\Delta$  is liable for that offense only and not for that of other person*

## §20.15 CONVICTIONS FOR DIFFERENT DEGREES OF OFFENSE

- each person is guilty of such degree as is compatible with his own culpable mental state and own accountability ...

## ARTICLE 35 - JUSTIFICATION; Including Necessity, Self Defense, Arrest

## §35.05 GENERALLY ... NECESSITY

2. ... **necessary as emergency measure to avoid an imminent public or private injury which ...**

- in situation occasioned or developed through no fault of  $\Delta$

- is of such gravity, that according to ordinary standards, desirability and urgency of avoiding such injury clearly outweigh desirability of avoiding injury statute seeks to prevent

# New York Penal Law Study Guide

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