

Part 2

Criminal Responsibility for Conduct of Another

76-2-201 Definitions.

As used in this part:

- (1) "Agent" means any director, officer, employee, or other person authorized to act in behalf of a corporation or association.
- (2) "High managerial agent" means:
 - (a) A partner in a partnership;
 - (b) An officer of a corporation or association;
 - (c) An agent of a corporation or association who has duties of such responsibility that his conduct reasonably may be assumed to represent the policy of the corporation or association.
- (3) "Corporation" means all organizations required by the laws of this state or any other state to obtain a certificate of authority, a certificate of incorporation, or other form of registration to transact business as a corporation within this state or any other state and shall include domestic, foreign, profit and nonprofit corporations, but shall not include a corporation sole, as such term is used in Title 16, Chapter 7, Corporations Sole. Lack of an appropriate certificate of authority, incorporation, or other form of registration shall be no defense when such organization conducted its business in a manner as to appear to have lawful corporate existence.

Enacted by Chapter 196, 1973 General Session

76-2-202 Criminal responsibility for direct commission of offense or for conduct of another.

Every person, acting with the mental state required for the commission of an offense who directly commits the offense, who solicits, requests, commands, encourages, or intentionally aids another person to engage in conduct which constitutes an offense shall be criminally liable as a party for such conduct.

Enacted by Chapter 196, 1973 General Session

76-2-203 Defenses unavailable in prosecution based on conduct of another.

In any prosecution in which an actor's criminal responsibility is based on the conduct of another, it is no defense:

- (1) That the actor belongs to a class of persons who by definition of the offense is legally incapable of committing the offense in an individual capacity, or
- (2) That the person for whose conduct the actor is criminally responsible has been acquitted, has not been prosecuted or convicted, has been convicted of a different offense or of a different type or class of offense or is immune from prosecution.

Enacted by Chapter 196, 1973 General Session

76-2-204 Criminal responsibility of corporation or association.

A corporation or association is guilty of an offense when:

- (1) The conduct constituting the offense consists of an omission to discharge a specific duty of affirmative performance imposed on corporations or associations by law; or

- (2) The conduct constituting the offense is authorized, solicited, requested, commanded, or undertaken, performed, or recklessly tolerated by the board of directors or by a high managerial agent acting within the scope of his employment and in behalf of the corporation or association.

Enacted by Chapter 196, 1973 General Session

76-2-205 Criminal responsibility of person for conduct in name of corporation or association.

A person is criminally liable for conduct constituting an offense which he performs or causes to be performed in the name of or on behalf of a corporation or association to the same extent as if such conduct were performed in his own name or behalf.

Enacted by Chapter 196, 1973 General Session