

76-2-304 Ignorance or mistake of fact or law.

- (1) Unless otherwise provided, ignorance or mistake of fact which disproves the culpable mental state is a defense to any prosecution for that crime.
- (2) Ignorance or mistake concerning the existence or meaning of a penal law is no defense to a crime unless:
 - (a) Due to his ignorance or mistake, the actor reasonably believed his conduct did not constitute an offense, and
 - (b) His ignorance or mistake resulted from the actor's reasonable reliance upon:
 - (i) An official statement of the law contained in a written order or grant of permission by an administrative agency charged by law with responsibility for interpreting the law in question;
or
 - (ii) A written interpretation of the law contained in an opinion of a court of record or made by a public servant charged by law with responsibility for interpreting the law in question.
- (3) Although an actor's ignorance or mistake of fact or law may constitute a defense to the offense charged, he may nevertheless be convicted of a lesser included offense of which he would be guilty if the fact or law were as he believed.

Amended by Chapter 32, 1974 General Session