

CR542 Ignorance or Mistake of Law

It is a defense to [list offense(s)] if the Defendant is mistaken or ignorant about a law that disproves the mental state required for [list offense(s)] if:

1. [Defendant] reasonably believed [his/her] conduct did not constitute an offense, and
2. [Defendant's] ignorance or mistake resulted from [his/her] reasonable reliance on:
 - (a) An official statement of law contained in a written order or grant of permission from an administrative agency charged with the responsibility of interpreting the law in question;
 - (b) A written interpretation of law contained in an opinion of a court of record; or
 - (c) A written interpretation of the law made by a public servant charged with the responsibility for interpreting the law in question.

[The defendant may be convicted of [lesser included offense] if [he/she] would be guilty of [lesser included offense] if the law was as [he/she] believed it to be.]

References:

Utah Code section 76-2-304(2)

State v. Norton, 2003 UT App 88, 67 P.3d 1050

Committee Notes:

Ignorance or mistake of law is an affirmative defense. Utah Code section 76-2-304(2).

If the evidence supports giving this instruction, the trial court must modify the elements instruction to include disproving this defense as an additional element. See *State v. Low*, 2008 UT 58; 192 P.3d 867. [See Note to CR502]

The statement or interpretation of the law must be in writing for this defense to apply. Utah Code section 76-2-304(2); see *State v. Norton*, 2003 UT App 88, ¶ 15, 67 P.3d 1050.