

The chief executive officer (CEO) of a company that operated a knitting mill delegated all operational decision-making to the supervisor of the mill. The child labor laws in the jurisdiction provide, "It is a violation of the law for one to employ a person under the age of 17 years for full-time labor."

Without the CEO's knowledge, the supervisor hired a number of 15- and 16-year-olds to work at the mill full time. He did not ask their ages and they did not disclose them. The supervisor could have discovered their ages easily by asking for identification, but he did not do so because he was not aware of the law and believed that company policy was to hire young people.

If the statute is interpreted to create strict liability and the supervisor is charged with violating it, what is the proper verdict?

- A. Guilty, because he hired the children.
- B. Guilty, because he should have inquired as to the ages of the children.
- C. Not guilty, because he believed he was following company policy and was not aware of the violation.
- D. Not guilty, because the knitting mill, not the supervisor, is the employer of the children.

Explanation:

A person is **guilty** of any crime that he/she **personally committed**—even if that crime was committed on another's behalf or within the scope of employment. And guilt for a strict liability crime (as seen here) arises once a person commits the unlawful act—regardless of the person's fault or mens rea.

Here, the supervisor—who had all operational decision-making authority for the knitting mill—hired 15- and 16-year-olds for full-time labor at the mill. And though the mill is the children's employer, the supervisor personally violated the child labor statute when he hired them. Therefore, he is guilty of this strict liability crime **(Choice D)**.

(Choice B) Though inquiring into the children's ages before hiring them would have been prudent, failing to do so is not a violation of the statute or a basis for the supervisor's guilt.

(Choice C) Evidence that the supervisor believed he was following company policy (mistake of fact) and was not aware of the violation (mistake of law) goes to the supervisor's mens rea. But since a defendant's mens rea is irrelevant to strict liability crimes, these **mistakes** are no defense.

Educational objective:

A person is liable for any crime that he/she commits personally—even while acting on another's behalf or within the scope of employment.

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