CHAPTER 4
GENERAL PRINCIPLES OF LIABILITY

COMMENT: Sections 4.10 through 4.50 are designed to express basic concepts of criminal liability, to define these concepts with more precision than former law and to simplify the Mens Rea requirements of crime. §§ 4.55 through 4.75 codify the various aspects of the law treating the liability of one person for an offense when the offense is committed by another.

Penal Code, Section 7, defines six kinds of "intent". This, and other portions of the existing Penal Code, leave much to be decided by the court and given to the jury as instructions. The Model Penal Code, however, attempts to make these concepts statutory and to clarify the language as has been developed by case law. The Model Penal Code has been adopted without substantial change in New York and Illinois and it is the pattern upon which Chapter 4 of this Code is based. The draft does not change existing California Law but attempts to restate it in more understandable terms. See California Joint Legislative Committee for Revision of the Penal Code, Penal Code Revision Project 11-12 (Tent. Draft No. 1 September 1967).

§ 4.10. Conduct to Include Voluntary Act or Omission.

A person is not guilty of an offense unless his liability is based on conduct which includes a voluntary act or the omission to perform an act of which he is physically capable.

SOURCE: Guam PC, § 20; M.P.C. § 2.21 (1); *Cal. § 400 (T.D. 1, 1967); Cal. § 400 (1971); Mass. ch. 263 § 15; N.J. § 2C:2-1(A).

CROSS-REFERENCES: § 7.61 of this Code.

COMMENT: This Section expands the requirements of an act as appearing in the Guam Penal Code, § 20, by the inclusion of an omission within the definition of act. (See Witkin, Cal. Crimes, 71, for the definition of omission as a "negative act".) This Section conforms closely to § 4-1 of the Illinois Rev. Crim. Code of 1961.

This Section uses the phrase "conduct which include a voluntary act." This is important in order to make it plain that an act alone may have significance only in the context of the actor's relevant conduct. Shooting a pistol, for example, is an act which, standing alone, lacks significance. However, shooting a pistol at a person with intent to kill him is an act which has its own separate and peculiarly identifiable significance because of the conduct of which it is part.

The characterization of the act as a "voluntary act" is relevant to the defense of unconsciousness contained in Guam PC § 26(6), and to the defense of "duress." Conduct resulting from coercion is dealt with as a specific defense under this Code.

§ 4.15. Voluntary Act Defined.

(a) A *voluntary act* is one performed consciously as a result of effort or determination.

(b) Possession is a voluntary act if the possessor knowingly procured or received the thing possessed, or was aware of his control of it for sufficient time to have been able to terminate his control.

SOURCE: Guam PC, § 26(6); M.P.C. § 2.01 (2) (4); *Cal. § 401 (T.D. 1 1967); Cal. § 405 (1971); Mass ch. 263, § 15; N.J. § 2C:2-1 (A), (C).

This Section again reflects Guam PC § 26(6) and decisional law. See *People vs. Baker,* 42 Cal. 2d 550, 268 P.2D 705, (1954); *People vs. Gorshen*, 51 Cal. 2d 716, 336 P.2d 492 (1959); *People vs. Rorerman,* 189 Cal. App. 2d 150, 10 Cal. Reptr. 870 (1961).

Also in accord with existing law, possession is defined as a voluntary act under the circumstances set fort in § 4.15(b). The definition is extremely important with reference to the Uniform Controlled Substances Act. See *People vs. Davis* 231 Cal. 2d 180, 186; 41 Cal. Rep. 617 (1964). *People vs. Murray,* 198 Cal. App. 2d 805, 18 Cal. Rptr. 280 (1962).

§ 4.20. Liability for Omission Limited.

A person is not guilty of an offense if his liability is based solely on an omission unless the law defining the offense expressly so provides, or a duty to perform the act is otherwise imposed by law.

SOURCE: M.P.C. § 2.01 (3); *Cal. § 402 (T.D.1 1967); Cal. § 405 (B) (2) 1971; Mass. ch. 263, § 15; N.J. § 2C:2-1 (H).

CROSS-REFERENCES: GC § 1313 -failure to appear in answer to subpoena. § 1085-failure to file financial disclosure report. § 19516.1 Govt. Code-failure file tax return, 16 GCA § 3501, Vehicle Code "hit and run." See also Child Abuse Laws. § 31.35 of this Code relative to failure to report child abuse.

COMMENT: Section 4.20 restates decisional law and common law to the effect that an omission is not a criminal act unless specifically made a criminal act, such as failure to file tax returns, failure to remain at the scene of an accident, and failure by certain persons to report child abuse. There are many others. A legal duty to act may arise from other legal obligations. In *People vs. Montecino*, 68 Cal. App. 2d 85, 152 Pac. 2d 5 (1944), a conviction of involuntary manslaughter was sustained where is bedridden patient died due to the neglect of the person engaged to care for her.

§ 4.25. Culpability.

Except as provided in § 4.45, a person is not guilty of a crime unless he acts intentionally, knowingly, recklessly or with criminal negligence, as the law may require, with respect to the conduct, the result thereof or the attendant circumstances which constitute the material elements of the crime.

SOURCE: Guam PC § 20; M.P.C. § 2.02 (1); *Cal. § 403 (T.D.1 1967); Cal. §§ 400-405 (1971); Mass. ch. 263 § 17; N.J. 2C:2-2(a).

CROSS-REFERENCES: § 4.45 of this Code.

COMMENT: This Section, adopted from California (California Joint Legislative Committee for Revision of the Penal Code, Penal Code Revision Project 13-14 (Tentative Draft 1, Sept. 1967), simplifies the Model Penal Code terminology so as to reflect existing usage.

§ 4.30. Culpability Defined.

(a) A person acts intentionally, or with intent, with respect to his conduct or to a result thereof when it is his conscious purpose to engage in the conduct or cause the result.

(b) A person acts knowingly, or with knowledge, with respect to his conduct or to attendant circumstances when he is aware of the nature of his conduct or that those circumstances exist. A person acts knowingly, or with knowledge, with respect to a result of his conduct when he is aware that his conduct is practically certain to cause the result.

(c) A person acts recklessly, or is reckless, with respect to attendant circumstances or the result of his conduct when he acts in awareness of a substantial risk that the circumstances exist or that his conduct will cause the result and his disregard is unjustifiable and constitutes a gross deviation from the standard of care that a reasonable person would exercise in the situation.

(d) A person acts with criminal negligence, or is criminally negligent, with respect to attendant circumstances or the result of his conduct when he should be aware of a substantial and unjustifiable risk that the circumstances exist or that his conduct will cause the result and his failure to be aware of the risk constitutes a gross deviation from the standard of care that a reasonable person would exercise in the situation.

SOURCE: Guam PC § 7 (1)-(5); See also § 188. Model Penal Code § 2.02 (2); *Cal. § 404 (T.D.1 1967); Cal. § 405 (1971); Mass. ch. 263, § 16; N.J. § 2C:2-2B.

CROSS-REFERENCES: § 4.25 of this Code; § 43.50 receiving stolen property; § 31.15 incest.

COURT DECISIONS: C.A.9 1982 In the prosecution for murder under the law of Guam, evidence, including that police officer whom defendant was accused of shooting had fired first at defendant, was sufficient to entitle defendant to instruction on manslaughter. *People v. Fejeran,* 687 F.2d 302 (1982); reversing Appellate Division.

COMMENT: § 4.30 (a) defines intentionally and with intent to reflect current decisional law and, contrary to the Model Penal Code, retains these terms because they are used almost exclusively in other Guam statutes.

The terms knowingly or with knowledge are currently used in many statutes: e.g., ... receiving stolen property (§ 43.50 of this Code); incest (§ 31.15 of this Code). There has been little to distinguish intent from knowledge. *People vs. McCree,* 128 Cal. App. 2d 196, 275 Pac.2d 95 (1954) states that these two terms are synonymous. However, this Section makes clear that there is a difference and that difference is stated.

§ 4.30(c) has a concept of recklessness as an element of criminal liability, apart from its use in the Vehicle Code. Such a concept was not subject to statutory definition in the United States before the enactment of the Illinois Revised Criminal Code of 1961 and the New York Revised Penal Code of 1967. Recklessness, however, is subsumed in almost every definition of implied malice of forethought. In a few cases it has received express recognition. (See *People vs. Hubbard,* 64 Cal. App. 27, 220 Pac. 315).

If recklessness is an element of murder, the law ought to say without translating the concept into archaic terms such as "abandoned and malignant heart." Some confusion in decisions exists in which recklessness is equated with intention. These two concepts are different in that intention implies consequences desired while recklessness implies consequences foreseen or foreseeable but not desired or not the subject of proper concern by the actor. Mere knowledge of the possibility is not enough; probability is required unless the conduct engaged in has no social utility.

This Subsection differs from the Model Penal Code in that this Subsection attempts to make plain that the actor must be aware that his conduct does create a risk (a subjective test) but it leaves the judgment as to the unjustifiability of his conduct to the determination of the trier of fact by an application of an objective standard. Note that the risk is "substantial."

Subsection (d) defines criminal negligence for the first time on Guam. The difference between this standard and the previous three is clear: negligence does not involve awareness. Rather, it is descriptive of inadvertent risk-creation in circumstances where the actor should be aware of the risk he is taking. The standard by which the actor's conduct is to be weighed is the objective standard of "gross deviation from the standard of care that a reasonable person would exercise." Thus, criminal negligence is clearly separated from ordinary negligence, the latter not being the subject of criminal liability.

§ 4.35. Culpability Applied to Elements of Offense.

(a) If the definition of an offense prescribes a culpable mental state but does not specify the conduct, attendant circumstances or result to which it applies, the prescribed culpable mental state shall apply to each such material element.

(b) If the definition of a crime prescribes criminal negligence as the culpable mental state, it is also established if a person acts intentionally, knowingly or recklessly. When recklessness suffices to establish a culpable mental state, it is also established if a person acts intentionally or knowingly. When acting knowingly suffices to establish a culpable mental state, it is also established if a person acts intentionally.

(c) Knowledge that conduct constitutes an offense, or knowledge of the existence, meaning, or application of the statute defining an offense, is not an element of an offense unless the statue clearly so provides.

SOURCE: Guam § 7(5); M.P.C. § 2.02 (4)(5)(9); *Cal. § 405 (T.D.1 (1967); Mass. ch. 263, § 17; N.J. § 2C:2-2(c)(3).

CROSS-REFERENCES: See Guam PC § 449a & 450; See also Remington & Helhatb, The Mental Element in Crime a Legislative Problem (1962) Wis. L. Reg. before 666. §§ 4.25 and 4.30 of this Code.

COMMENT: Subsection (a) tends to eliminate previous ambiguity: a particular law made forbidden general conduct, continuing several elements, a crime when done willfully or knowingly or recklessly. Under former law it was unclear whether all, or only part of, the elements of the offense is subject to the required culpable mental state. This Subsection specifically states that the appropriate mental state is applicable to all material elements of the crime unless the statute in question specifically provides the different result.

Subsection (b) establishes that the mental state defined in § 430, Subsections (a) through (d), constitute a hierarchy of mental states and that the lowest mental state for which one can be culpable is included within the next three; that the third lowest culpable state, recklessness, is included within the first two; that knowledge is included with intent.

Subsection (c) is a restatement of Guam PC § 7(5) which states that knowledge constitutes an assent. Knowledge of the law defining the assent is not an element of the

crime unless specifically provided. This is the law on Guam and is not changed by this Code.

§ 4.40. Culpable Mental State Generally Required.

Except as provided in § 4.45, if the definition of a crime does not expressly prescribe a culpable mental state, a culpable mental state is nonetheless required and is established only if a person acts intentionally, knowingly or recklessly.

SOURCE: Guam PC, § 20; M.P.C. § 2.02; *Cal. § 406 (T.D.1 1967); Mass. ch. 263, § 17; N.J. § 2C:2-2 (c) (3).

CROSS-REFERENCES: § 4.45 of this Code; §§ 4.25-4.35; this Code.

COMMENT: The purpose of this Section is to make clear that culpable mental state is required even where no mention of the same is made in the appropriate law creating the crime. Further, this Section makes clear that, where there is such an absence of stated culpability, the only culpability that may be applied to that Section is where the act was intentional, knowing, or reckless. Neither criminal negligence nor ordinary negligence are to be assumed in the absence of the specific statement to that effect.

§ 4.45. Same: When Inapplicable.

The culpable mental state requirements of § 4.25 and § 4.40 do not apply if the offense is a violation or if the law defining the offense clearly indicates a purpose to dispense with any culpable mental state requirement.

SOURCE: M.P.C. § 2.05; *Cal. § 407 (T.D.1 1967); Mass. ch. 263, § 17; N.J. § 2C:2-2C3.

CROSS-REFERENCES: § 1.18 (f); this Code; § 4.25 & 4.40; this Code; § 4.45 & 4.60 of this Code.

COMMENT: This is a new Section and expresses new law for Guam. The culpable mental state is dispensed with where the offense is a violation, thus is not a crime pursuant to § 1.18 of this Code; and where the definition of the offense clearly dispenses with such requirement.

§ 4.50. Causation Established and Defined.

(a) An element of an offense which requires that the defendant have caused a particular result is established when his conduct is an antecedent but for which the result would not have occurred, and,

(1) if the offense requires that the defendant intentionally or knowingly caused the result, that the actual result, as it occurred,

(A) is within the purpose of contemplation of the defendant, whether the purpose or contemplation extends to natural events or to the conduct of another, or, if not,

(B) involves the same kind of injury or harm as that designed or contemplated and is not too remote, accidental in its occurrence or dependent on another's volitional act to have a just bearing on the defendant's liability or on the gravity of his offense;

(2) if the offense requires that the defendant recklessly or negligently cause the result, that the actual result, as it occurred,

(A) is within the risk of which the defendant was or should have been aware, whether that risk extends to natural events or to the conduct of another, or, if not,

(B) involves the same kind of injury or harm as that recklessly or negligently risked and is not too remote, accidental in its occurrence or dependent on another's volitional act to have a just bearing on the defendant's liability or on the gravity of his offense;

(3) if the offense imposes strict liability, that the actual result, as it occurred, is a probably consequence of the defendant's conduct.

(b) A defendant shall not be relieved of responsibility for causing a result if the only difference between what actually occurred and what was designed, contemplated or risked is that a different person or property was injured or affected or that a less serious or less extensive injury or harm occurred.

SOURCE: Guam PC § 8; M.P.C. § 2.03; *Cal. § 408 (T.D.2 1968); Mass. ch. 263 § 20; N.J. § 2C:2-3.

SOURCE: §§ 4.25, 4.30, 4.35, 4.40 & 4.45 of this Code; § 16.50 of this Code; §§ 4.55 & 4.60 of this Code.

COMMENT: No Penal Code prior to those which have adopted this portion of the Model Penal Code as attempted to define causation in terms of statutory law. These definitions have been left up to court decisions and, traditionally, have been in the form of factual or scientific causation. Thus, the term "proximate cause" is used both in court instructions to juries and in those laws in which the concept is found to attempt to determine when a defendant is guilty of an act, the consequences of which usually occur at a later time or different place from the defendant's act. See § 192(3)(b) of the former Penal Code. Compare the treatment of the same crime by § 16.50 of this Code.

The Model Penal Code proceeds upon the view that problems of this kind (causation) ought to be faced as problems of the culpability required for conviction and not as problems of "causation." (Model Penal Code, tentative draft No. 4, 132).

This Section then defines very clearly when a defendant is deemed to have caused, and is thus culpable for, an act which is a crime. Subsection (A)(1) contemplates the same conclusions as are reached by §§ 4.55 and 4.60, following.

It will be noted that in virtually all cases to which the above tests would be applicable the defendant would be guilty of some crime, since in each case the defendant would have intended or contemplated the infliction of injury or harm. Whether or not the causal relationship is established is generally determinative therefore, not of the issue criminal liability, but of whether the dependant should be liable of for the greater crime requiring production of the result. In the case of an undesired or uncontemplated event which alters the chain of events leading to the result (e.g. the deceased dying of fright or exposure or lightning following right after an intentional shooting), whether or not the dependant should be subjected to the higher punishment on the basis of attributing the result to his conduct must be decided in terms of whether the actual happening of the result was so remote or accidental as to have no just bearing on the gravity of the offense (or nonliability, as the issue may sometimes be).

In the case of some undesigned or uncontemplated act of another person which alters the chain of events leading to the results, the issue is still a justness of holding the defendant for the results, but when we speak of human intervention, the concept of remoteness and accident are inappropriate to evoke the governing consideration. Thus, in these situations the tests is in terms of whether or not the conduct of another is "to ... dependent upon another's volitional act" to have any just bearing on punishment or liability. This language remedies what has been referred to as a major weakness of the Model Penal Code by Hart and Honore in Causation in the Law (1959 p. 357).

The two authors further observe that:

"Because the common-law has never developed the notion of criminal negligence to the extent that Continental Codes have done, the risk theory, by which an actor is held responsible for occasioning harm by giving another the opportunity to do mischief, has not become a prominent in crime as in tort." The purpose of the clause, "whether that risk extends to natural events or to the conduct of another," is precisely to remedy this defect. This Section, also, puts in terms of culpability, the former felony-murder rule.

§ 4.55. Guilt Established by Causing or Aiding Innocent Party in Commission of Crime.

A person is guilty of an offense if, acting with the culpability required for the offense, he causes or aids an innocent or non-responsible person to engage in conduct prohibited by the definition of the offense.

SOURCE: G.P.C. § 31; M.P.C. § 2.06(2); *Cal. § 450 (T.D. 1, 1967); Cal. § 420 (1971); Mass. ch. 263, § 21; N.J. § 2C:2-6(b).

CROSS-REFERENCES: § 7.10 - Juveniles; § 7.58 - Intoxication; § 7.61 -Duress; § 7.16 -Mental Illness.

COMMENT: This Section is a restatement of existing law. The California Penal Code § 31 expressly lists children under age 14, lunatics, idiots, drunks and those compelled to act under duress as categories of persons whose incapacity would render the actor responsible for the offense, if he uses them to commit the prohibited conduct.

In contrast, this Section declares a more general principle of law. Note that a person is guilty under this Section if he aids an innocent or non-responsible person as well as causing him to commit the act. An example of such aiding would be the crime of "contributing to the delinquency of the minor" found in § 273a of the former Penal Code. That crime of "contributing would continue over as a crime under § 4.55 since the juvenile law does not make a juvenile a "criminal" even if he commits an offense which would be a crime if the juvenile were an adult.

§ 4.60. Guilt Established by Complicity.

A person is guilty of an offense if, with the intention of promoting or assisting in the commission of the offense, he induces or aids another person to commit the offense. If the definition of the offense includes lesser offenses, the offense of which each person shall be guilty shall be determined according to his own culpable mental state and to those aggravating or mitigating factors which apply to him.

SOURCE: G.P.C. § 31; See also §§ 101.109.127.359, 418 & 659: M.P.C. § 2.06(3); *Cal. § 451 (T.D.1, 1967); Cal. § 415 (1971); Mass. ch. 263, § 21; N.J. § 2C:2-6.

COURT DECISIONS: SUPER.CT. 1982 Where facts show that two youths assisted each other in "hot-wiring" a vehicle, then one youth was the driver and one a passenger, the youth who was the passenger was equally guilty of violating § 43.65(a) as was the youth who actually drove the vehicle. People in the interest of C.S.I., JD#50-82.

COMMENT: This Section resolved the often conflicting court decisions defining an "accomplice" by limiting the definition to one who intends or promotes the commission of another offense. Prior court decisions have used this definition as well as the older definition "mere knowledge or presence" when finding a person an accomplice. Guam has used the narrow and broad definition, as well as merging the two into the definition of a "principal" as found in the Penal Code.

The second sentence of this Section does away with the judicial doctrine that a person who aids or promotes the commission of an offense has his degree of guilt determined by the same degree of guilt as is found in the actual perpetrator of the offense. This Section would have the trier of fact determine the degree of guilt of each party based upon the circumstances and mental culpability of each independent from the other.

§ 4.65. Criminal Facilitation Established and Punished.

A person is guilty of criminal facilitation when, knowing that another person intends to engage in conduct which in fact constitutes a crime, he knowingly furnishes substantial assistance to him.

Criminal facilitation of a felony of the first degree is a felony of the third degree.

Criminal facilitation of a felony of the second or of the third degree is a misdemeanor.

Criminal facilitation of a misdemeanor or petty misdemeanor is a petty misdemeanor.

SOURCE: See Guam PC §§ 481, 527; *Cal. § 452 (T.D.1, 1967); N.Y. Rev. Pen. Law § 115.00.

COMMENT: § 4.65 creates a new crime, that of Criminal Facilitation. It is similar to the New York Revised Penal Law, § 115.00 and is directed at knowing, purposeful, assistance to one who is known or intends to engage in conduct constituting an offense. The classic illustration of such conduct is the supplier of yeast and sugar to one known to be engaged in an illicit distilling operation (moon-shine). See *Falcone v. United States,* 109 F.2d 579 (2nd. Cir., 1940), aff'd, 311 U.S. 205 (1940). Inasmuch as § 4.60 requires a purpose to commit an offense, the mere supplier or aider would not be guilty of violating that Section. Section 4.65 covers that conduct, but imposes a lesser penalty than § 4.60.

The requirement that the assistance be "substantial" is intended to leave up to the jury questions such as whether the one who has committed the offense i.e., the illicit moon-shine operation, could have readily obtained the materials elsewhere. If so, the jury could reasonably conclude that the facilitator's assistance is not substantial, but was rather a common act in which any person could engage without criminal intent.

§ 4.70. Criminal Liability for Acts of Another: Non-Availability of Certain Defenses.

In any prosecution in which the criminal liability of the defendant is based upon the conduct of another person, it is no defense that:

(a) the offense can be committed only by a particular class of persons to which the defendant does not belong; or

(b) the other person has legal immunity from prosecution, or has not been prosecuted for or convicted of an offense based upon the conduct in question, or has previously been acquitted.

SOURCE: M.P.C. § 2.06(6); *Cal. § 454 (T.D.1, 1967); Mass. ch. 263, § 21(b); N.J. § 2C:2-6(e).

CROSS-REFERENCES: § 4.70 this Code.

COMMENT: This Section makes clear that one can be an accomplice even though he cannot be a principal. For instance, one who assists a public officer to embezzle public funds would be an accomplice even though the requirement of the crime in chief is that the actor be a public officer.

Subsection (b) retains former Guam Penal Code § 972 and makes clear that the status of the principal is immaterial to the conviction of the accomplice.

This Section is framed in the negative, i.e., it states that these situations are not defenses to a charge of being an accomplice.

§ 4.75. Same: Defenses Available.

Unless otherwise provided by law, in any prosecution in which the criminal liability of the defendant is based upon the conduct of another person, it is a defense that:

(a) the defendant was a victim of the offense; or

(b) under circumstances manifesting a voluntary and complete renunciation of his criminal intent, the defendant withdrew from participation in the offense and made a reasonable effort to stop the commission of the offense.

SOURCE: M.P.C. § 2.06(6); *Cal. § 454 (T.D.1, 1967); Mass. ch. 263, § 21(b); N.J. § 2C:2-6(e).

CROSS-REFERENCES: § 4.70 this Code.

COMMENT: The two defenses to criminal complicity, or criminal facilitation, or to the charge of being an accomplice are already well established in case law. The first subsection sets forth the defense that the individual was a victim of the crime, even though such activity, such as paying a kidnapper's ransom, conceivably could aid him in his criminal purpose.

Instead of the judge reading the definition from a set of case-derived jury instructions, he now has this definition in law. An example of where such a defense is not available exists in the case of *People v. Root,* (District Court of Guam, unpublished decision). The defendant, while temporarily abandoning (perhaps) his criminal purpose, immediately jumped back in after the deed (murder) was accomplished and assisted his principal in looting the body.

§ 4.80. Criminal Liability of Corporations.

(a) A corporation may be convicted of:

(1) any offense committed in furtherance of its affairs on the basis of conduct performed, authorized, requested, commanded or recklessly tolerated by (A) the board of directors; (B) a managerial agent acting in the scope of his employment; or (C) any other person for whose conduct the statute defining the offense provides criminal responsibility;

(2) any offense consisting of a failure to perform a duty imposed by law; or

(3) any petty misdemeanor or violation committed by an agent of the corporation acting in the scope of his employment in furtherance of its affairs.

(b) It is no defense that an individual upon whose conduct liability of the corporation is based has not been prosecuted or convicted, has been convicted of a different offense or is immune from prosecution.

(c) As used in this Section, managerial agent means an agent of the corporation having duties of such responsibility that his conduct may fairly be found to represent the policy of the corporation.

SOURCE: G.P.C. § 7; M.P.C. § 2.07; Cal. § 409 (T.D.1, 1967); Cal. § 430 (1971); *Mass. ch. 263, § 22 (See also § 23 regarding individual liability); N.J. § 2C:2-7.

COMMENT: § 4.80 supersedes a portion of the former Penal Code Section 7 which provided only that "the word 'person' includes a corporation..." That provision supplied a basis for liability but without adequate guidelines. Section 4.80 attempts to provide such guidelines.
