

## Model Penal Code § 1.02

*Model Penal Code > PART I. GENERAL PROVISIONS > ARTICLE 1. PRELIMINARY*

### **§ 1.02. Purposes; Principles of Construction.**

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- (1) The general purposes of the provisions governing the definition of offenses are:
  - (a) to forbid and prevent conduct that unjustifiably and inexcusably inflicts or threatens substantial harm to individual or public interests;
  - (b) to subject to public control persons whose conduct indicates that they are disposed to commit crimes;
  - (c) to safeguard conduct that is without fault from condemnation as criminal;
  - (d) to give fair warning of the nature of the conduct declared to constitute an offense;
  - (e) to differentiate on reasonable grounds between serious and minor offenses.
- (2) The general purposes of the provisions governing the sentencing and treatment of offenders are:
  - (a) to prevent the commission of offenses;
  - (b) to promote the correction and rehabilitation of offenders;
  - (c) to safeguard offenders against excessive, disproportionate or arbitrary punishment;
  - (d) to give fair warning of the nature of the sentences that may be imposed on conviction of an offense;
  - (e) to differentiate among offenders with a view to a just individualization in their treatment;
  - (f) to define, coordinate and harmonize the powers, duties and functions of the courts and of administrative officers and agencies responsible for dealing with offenders;
  - (g) to advance the use of generally accepted scientific methods and knowledge in the sentencing and treatment of offenders;
  - (h) to integrate responsibility for the administration of the correctional system in a State Department of Correction [or other single department or agency].
- (3) The provisions of the Code shall be construed according to the fair import of their terms but when the language is susceptible of differing constructions it shall be interpreted to further the general purposes stated in this Section and the special purposes of the particular provision involved. The discretionary powers conferred by the Code shall be exercised in accordance with the criteria stated in the Code and, insofar as such criteria are not decisive, to further the general purposes stated in this Section.

Annotations

### **Commentary**

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Explanatory Note

## Model Penal Code § 1.02

Section 1.02 declares the purposes that the provisions governing the definition of offenses and the provisions governing the treatment of offenders, set forth elsewhere in the Code, should serve, and states the principles that should guide interpretation of the provisions of the Code.

Subsection (1) sets forth the general purposes of the provisions governing the definition of offenses. Within a framework in which the dominant theme is the prevention of offenses, a number of specific factors are articulated which are believed to be the principal objectives of the definitional process. The major goal is to forbid and prevent conduct that threatens substantial harm to individual or public interests and that at the same time is both unjustifiable and inexcusable. Subsidiary themes are to subject those who are disposed to commit crimes to public control, to prevent the condemnation of conduct that is without fault, to give fair warning of the conduct declared to be criminal, and to differentiate between serious and minor offenses on reasonable grounds.

Subsection (2) states the general purposes of the provisions governing the sentencing and treatment of offenders, again within the general framework of a preventive scheme. Subsidiary goals in this case are to promote the correction and rehabilitation of offenders, within a scheme that safeguards them against excessive, disproportionate or arbitrary punishment, to give fair warning of the possible dispositions for criminal offenses, and to differentiate among offenders with a view to just individualization of treatment. It is also among the goals of the sentencing and treatment provisions to define and coordinate the functions of courts and other agencies responsible for dealing with offenders, to advance the use of science in the sentencing and correctional process, and to integrate responsibility for the correctional system into a single department or agency.

Subsection (3) replaces the rule that penal statutes should be "strictly construed" with the command that criminal statutes should be construed according to their fair import, and that ambiguities should be resolved by an interpretation that will further the general principles stated in this Section, including specifically the fair warning provision, and the special purposes of the statute involved. It is also provided that these general principles should guide the exercise of discretion by the courts in cases where more specific criteria stated in the Code are not decisive.

For detailed Comment, see MPC Part I Commentaries, vol. 1, at 15.