

14-4421. Entity responsibility; scope of employment.

_____ (*name of entity*) is a [corporation] [partnership] [voluntary association]¹. A [corporation] [partnership] [voluntary association]¹ may be found guilty of an offense.

A [corporation] [partnership] [voluntary association]¹ acts only through its agents and employees, that is, those directors, officers, agents, employees, or other persons authorized or employed to act for it.

To sustain the charge of _____² against _____ (*name of entity*), the state must prove the following propositions:

First, the offense charged was committed by [an] agent[s] or employee[s] of _____ (*name of entity*);

Second, in committing the offense, the agent[s] or employee[s] intended, at least in part, to benefit _____ (*name of entity*);

Third, the acts by the agent[s] or employee[s] were committed within the authority or scope of employment.

For an act to be within the authority of an agent or the scope of employment of an employee, it must deal with a matter whose performance is generally entrusted to the agent or employee by _____ (*name of entity*).

It is not necessary that the particular act was itself authorized or directed by _____ (*name of entity*) as long as the entity has a right to control the manner in which the details of the work were to be performed at the time of the occurrence, even though the right of control may not have been exercised.

If an agent or an employee was acting within the authority or scope of employment, _____ (*name of entity*) is not relieved of its responsibility because the act was illegal, contrary to _____'s (*name of entity*) instructions, or against its general policies. You may, however, consider the existence of _____'s (*name of entity*) policies and instructions and the diligence of its efforts to enforce them in determining whether the agent[s] or employee[s] [was][were] acting with intent to benefit _____ (*name of entity*) or within the scope of employment.

USE NOTES

1. Use only applicable alternative.
2. Insert name of charge.

[Adopted by Supreme Court Order No. 14-8300-005, effective for all cases pending or filed on or after December 31, 2014.]