

14-4423. Entity responsibility; independent contractor.

A corporation may be criminally liable for the acts and omissions of an apparent employee, even though there has been no actual employment and no right to control the manner of the work performed if:

1. _____ (*name of corporate defendant*), by its statements, acts or conduct led a person or entity to reasonably believe _____ (*name of apparent employee*) was the corporate defendant's employee;

2. The person or entity dealt with _____ (*name of apparent employee*) in justifiable reliance upon representations of _____ (*name of corporate defendant*);

3. At the time of the injury, _____ (*name of apparent employee*) was acting in the scope of the apparent employment of _____ (*name of corporate defendant*);

4. In committing the offense, _____ (*name of apparent employee*) intended, at least in part, to benefit _____ (*name of corporate defendant*).

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