Table 3.3 Strict Liability Offenses

Offense	*Case Example*
Open Bottle	Steven Mark Loge was cited for a violation of a Minnesota statute that declares it a misdemeanor for the owner of a motor vehicle, or the driver when the owner is not present, "to keep or allow to be kept in a motor vehicle when such vehicle is upon the public highway any bottle or receptacle containing intoxicating liquors or 3.2 percent malt liquors which has been opened." Loge borrowed his father's pickup truck and was stopped by two police officers while on his way home from work. One of the officers observed and seized an open beer bottle underneath the passenger's side of the seat and also found one full unopened can of beer and one empty beer can in the truck. Loge was issued a citation for a violation of the open bottle statute. See *State v. Loge,* 608 N.W.2d 152 (Minn. 2000).
Students' Possession of Weapons in School	A juvenile court ordered C.R.M. to attend an Anoka County, Minnesota, juvenile day school. Students' coats are hung outside the classroom and inspected in the morning for contraband. A folding knife with a four-inch blade was discovered in C.R.M.'s coat. C.R.M. immediately reacted, "Oh man, I forgot to take it out, I was whittling this weekend." C.R.M. was convicted under a statute that makes possession of a dangerous weapon on school property a strict liability offense. The Minnesota statute provides that "[w]hoever possesses, stores, or keeps a dangerous weapon or uses or brandishes a replica firearm or a BB gun on school property is guilty of a felony and may be sentenced to imprisonment for not more than two years or to payment of a fine of not more than $5,000, or both." See *In re C.R.M.,* 611 N.W.2d 802 (Minn. 2000).
Teacher's Possession of Weapons in School	A Virginia law makes it a felony for an individual to possess a firearm "upon any public . . . elementary school, including building and grounds." Deena Esteban, a fourth-grade elementary school teacher, left a zippered yellow canvas bag in a classroom; the bag was found to contain a loaded .38 caliber revolver. Esteban explained that she placed the gun in the bag and took it to the store on the previous Saturday, and then she forgot that the pistol was in the bag and inadvertently carried it into the school. The Virginia Supreme Court affirmed Esteban's conviction on appeal. The court stressed that the fact that Esteban "innocently" brought a loaded revolver into the school "does not diminish the danger." A footnote in the decision indicated that Esteban possessed a concealed handgun permit that specifically did not authorize possession of a handgun on school property. See *Esteban v. Commonwealth,* 587 S.E.2d 523 (Va. 2003).