

# **Model Penal Code Records**

**ALI.04.005**

**Finding aid prepared by Jordon Steele.**

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Last updated on April 28, 2011.

University of Pennsylvania, Biddle Law Library, American Law Institute Archives

2008

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## Summary Information

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<b>Repository</b>	University of Pennsylvania: Biddle Law Library: American Law Institute Archives
<b>Creator</b>	American Law Institute
<b>Title</b>	Model Penal Code Records
<b>Call number</b>	ALI.04.005
<b>Date [inclusive]</b>	1942-1985
<b>Extent</b>	11 linear feet
<b>Language</b>	English
<b>Abstract</b>	<p>The Model Penal Code, first completed in 1962 and revised and expanded over the next 20 years, played an important role in the revision and codification of criminal law. The Chief Reporter on the project was Herbert Wechsler. A Criminal Law Advisory Committee was established to provide the reportorial staff with guidance in the drafting of the Code. A Proposed Official Draft was published in 1962. This version generated wide response among legislatures and courts, prompting a revision and expansion of the code's commentaries that began in 1976. A final version of the Model Penal Code, with revised commentaries, was published in 1985. The Code proved to be particularly influential in the areas of jurisdiction, double jeopardy, responsibility, criminal attempts, theft, abortion, obscenity, sentencing, and capital punishment. The collection, 1942-1985, includes correspondence, meeting materials, proceedings, drafts, reports, reference materials, published versions, citations, and related records regarding the drafting of the Model Penal Code, which consolidated and codified previous legislation and judicial opinions related</p>

to criminal law.

**Cite as:**

[Identification of item], in the Model Penal Code Records, American Law Institute Archives, ALI.04.005, Biddle Law Library, University of Pennsylvania Law School, Philadelphia, PA.

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## Biography/History

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The Model Penal Code, first completed in 1962 and revised and expanded over the next 20 years, played an important role in the revision and codification of criminal law. Work on the project began in earnest in 1952, following initial funding by the Rockefeller Foundation. The Chief Reporter on the project was Herbert Wechsler. A Criminal Law Advisory Committee was established to provide the reportorial staff with guidance in the drafting of the Code. The committee collected academics, practitioners, judges, and other experts in criminal law.

The original Model Penal Code project generated 13 Tentative Drafts, published from 1953 to 1960. A proposed Final Draft followed in 1961, followed the by Proposed Official Draft in 1962. This 1962 version generated wide response among legislatures and courts, prompting a revision and expansion of the code's commentaries that began in 1976.

A final version of the Model Penal Code, with revised commentaries, was published in 1985. The Code proved to be particularly influential in the areas of jurisdiction, double jeopardy, responsibility, criminal attempts, theft, abortion, obscenity, sentencing, and capital punishment.

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## Scope and Contents

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The Model Penal Code Records, 1942-1985, include correspondence, meeting records, proceedings, drafts, reports, reference materials, publications, citations, and related records regarding the drafting of the Model Penal Code, from the project's early days of fundraising to its final publication in 1985.

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## Arrangement note

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1. Correspondence
2. Meeting Records
3. Drafting Records
4. Official Draft Volumes
5. Citations
6. Comments

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## **Administrative Information**

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Finding aid prepared by Jordon Steele.

### **Access Restrictions**

None.

### **Use Restrictions**

The archives reserves the right to restrict access to materials of sensitive nature. Please contact the department for further information.

### **Immediate Source of Acquisition note**

First shipment received from the American Law Institute in 1995.

### **Processing Information note**

Preliminary container list prepared by Melissa Backes, 1995-2005.

Reprocessed by Jordon Steele, July-August 2007.

Encoded by Jordon Steele, May 2008.

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## **Related Materials**

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### **Related Archival Materials note**

See the Model Penal Code: Sentencing Records, ALI.04.034.

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## Controlled Access Headings

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### SUBJECT(S)

- Animal welfare
- Criminal Law
- Imprisonment
- Insanity (Law)

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## Other Finding Aids note

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An item-level container list is available offline in spreadsheet form.

## Collection Inventory

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	Box	Folder
<b>CORRESPONDENCE, 1946-1985. ABOUT 2500 ITEMS.</b>	1	1-14
<b>Scope and Contents note</b>	2	1-23
	3	1-16
Fundraising and budget correspondence, and correspondence regarding the drafting of the Model Penal Code, written by and sent to project participants, including Herbert Wechsler, Paul Tappan, Thorsten Sellin, and Louis H. Shwartz.	11	1-2

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	Box	Folder
<b>MEETING RECORDS, 1951-1962. ABOUT 500 ITEMS.</b>	4	1-19
<b>Arrangement note</b>		
Chronological by date of meeting.		
<b>Scope and Contents note</b>		
Minutes, transcripts, correspondence, proceedings, and related records regarding meetings of committees instrumental in the drafting of the Model Penal Code, including the Council of the American Law Institute and the Criminal Law Advisory Committee.		

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	Box	Folder
<b>DRAFTING RECORDS, 1942-1971. ABOUT 66 ITEMS.</b>	4	20-28
<b>Arrangement note</b>	5	1-17
	6	1-24
Chronological within each group of drafts. The group of other drafting	7	1-28
	8	1-32

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materials has no discernible arrangement.

9

1-25

**Scope and Contents note**

Primarily drafts, with reports, comments, and related records, regarding the drafting of the Model Penal Code. Most of the drafts were submitted for approval to the Council of the American Law institute. Subjects covered include sentencing, sexual offenses, treatment of offenders, the death penalty, youth offenders, obscenity, and abortion. Most, but not all, of the records are confirmed to have been used by the Criminal Law Advisory Committee in its advisory role to the reportorial staff.

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**OFFICIAL DRAFT VOLUMES, 1985. 7 ITEMS.**

Box

Folder

10

1-3

**Scope and Contents note**

Bound volumes of the final version of the Model Penal Code and supporting commentaries, published in 1985.

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**CITATIONS, 1980-1981, 1985. ABOUT 30 ITEMS.**

Box

Folder

10

4-16

**Scope and Contents note**

A selection of case citations of the Model Penal Code.

**Arrangement note**

Chronological.

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**COMMENTS, 1978-1981.**

Box

Folder

11

3-20