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## Actus Reus

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### Definition

Actus reus is Latin for “guilty act.” Under most circumstances, a crime consists of at least two factors. The first factor is the physical conduct or act associated with the crime, which is known as the “actus reus.” In order for an individual to be convicted of a crime, it must be demonstrated beyond a reasonable doubt that the defendant committed the physical act of the crime or the “actus reus.” However, it must concurrently be established that the defendant also possessed “mens rea,” which translates to “guilty mind,” referring to the mental element of the crime. Thus, a conviction necessitates, beyond reasonable doubt, establishment of an illegal act coupled with a particular mental state (e.g., intent, knowledge, recklessness, or negligence). Description of

the actus reus is typically classified into one of three categories: commissions, omissions, and/or commonwealth. Commission refers to an affirmative act; omission refers to a failure to act; and commonwealth refers to a state of affairs or circumstances. Commissions and omissions necessitate causation; commonwealth does not always require voluntariness; and instead the actus reus is viewed in light of the severity of the offense.

### Cross-References

- ▶ [Insanity](#)
- ▶ [Insanity Defense](#)
- ▶ [Mens Rea](#)

### References and Readings

Melton, G. B., Petrila, J., Poythress, N. G., & Slobogin, C. (1997). *Psychological evaluations for the courts: A handbook for mental health professionals and lawyers*. New York: Guilford.