Test Bank

Chapter 1: The Nature, Purpose, & Function of Criminal Law

Multiple Choice

1. A _____ is whatever the law declares as a criminal offense and punishes with a penalty.
   *a. crime
   b. deviance
   c. felony
   d. misdemeanor

   Answer Location: The Nature of Criminal Law

   Learning Objective: 1.1 Define a crime, provide examples of criminal behavior, and distinguish between civil and criminal law.
   Cognitive Domain: Knowledge
   Question Type: MC

2. What does civil law protect?

   a. The public interest
   *b. The individual
   c. Both a and b
   d. None of the above

   Answer Location: Criminal and Civil Law

   Learning Objective: 1.1 Define a crime, provide examples of criminal behavior, and distinguish between civil and criminal law.
   Cognitive Domain: Knowledge
   Question Type: MC

3. _____ is a branch of law that protects the individual rather than the public interest.

   a. Criminal law
   b. Individual law
   c. Lawsuit
   *d. Civil law

   Answer Location: The Purpose of Criminal Law

   Learning Objective: 1.1 Define a crime, provide examples of criminal behavior, and distinguish between civil and criminal law.
   Cognitive Domain: Comprehension
   Question Type: MC

4. _____ is defined as an injury to a person or his or her property.
*a. Tort  
b. Misdemeanor  
c. Grievance  
d. Felony

Answer Location: Criminal and Civil Law  
Learning Objective: 1.1 Define a crime, provide examples of criminal behavior, and distinguish between civil and criminal law.  
Cognitive Domain: Knowledge  
Question Type: MC

5. Which of the following is not required for most crimes to occur?

*a. Criminal defense  
b. Concurrence  
c. Criminal act  
d. Criminal intent

Answer Location: The Principles of Criminal Law  
Learning Objective: 1.1 Define a crime, provide examples of criminal behavior, and distinguish between civil and criminal law.  
Cognitive Domain: Comprehension  
Question Type: MC

6. _____ involves a study of legal standards governing the detection, investigation, and prosecution of crime.

a. Substantive criminal law  
b. Criminal procedure  
c. Substantive criminal procedure  
d. Law school

Answer Location: The Principles of Criminal Law  
Learning Objective: 1.1 Define a crime, provide examples of criminal behavior, and distinguish between civil and criminal law.  
Cognitive Domain: Knowledge  
Question Type: MC

7. Which of the following is **not** a basic principle that comprises the general part of criminal law?

a. Criminal act  
b. Criminal intent  
c. Knowledge of the law  
d. Concurrence
Answer Location: The Principles of Criminal Law
Learning Objective: 1.1 Define a crime, provide examples of criminal behavior, and distinguish between civil and criminal law.
Cognitive Domain: Comprehension
Question Type: MC

8. A crime punishable by death or imprisonment for more than one year is a _____.

*a. felony
b. misdemeanor
c. personal injury
d. all of the above

Answer Location: Categories of Crime, Felonies and Misdemeanors
Learning Objective: 1.3 Discuss the difference between felonies and misdemeanors and the difference between _mala in se_ and _mala prohibita_
Cognitive Domain: Comprehension
Question Type: MC

9. ______ states that when federal and state laws conflict, federal law is superior.

a. Federal criminal code
*b. Preemption doctrine
c. Tenth Amendment
d. Model Penal Code

Answer Location: Federal Statutes
Learning Objective: 1.4 List and describe the various sources of criminal law
Cognitive Domain: Knowledge
Question Type: MC

10. A _____ is a crime punishable by imprisonment for less than a year.

a. felony
*b. misdemeanor
c. personal injury
d. all of the above

Answer Location: Categories of Crime, Felonies and Misdemeanors
Learning Objective: 1.3 Discuss the difference between felonies and misdemeanors and the difference between _mala in se_ and _mala prohibita_
Cognitive Domain: Knowledge
Question Type: MC

11. Which of the following is **not** a source of criminal law in the United States?

a. English and American common law
b. State criminal codes
c. International treaties
*d. International tribunal

Answer Location: Sources of Criminal Law
Learning Objective: 1.4 List and describe the various sources of criminal law
Cognitive Domain: Comprehension
Question Type: MC

12. The sharing of power between federal and state governments is termed _____.

*a. dual sovereignty
b. independent power
c. federal state relationship
d. dual law

Answer Location: Federal Statutes
Learning Objective: 1.4 List and describe the various sources of criminal law
Cognitive Domain: Knowledge
Question Type: MC

13. _____ are crimes subject to death penalty or life in prison.

a. Dangerous felonies
b. Evil crimes
*c. Capital felonies
d. Capital misdemeanors

Answer Location: Categories of Crime, Felonies and Misdemeanors
Learning Objective: 1.3 Discuss the difference between felonies and misdemeanors and the difference between *mala in se* and *mala prohibita*
Cognitive Domain: Comprehension
Question Type: MC

14. The term _____ is used in some states to refer to crimes subject to between 6 and 12 months in prison.

a. petty misdemeanor
*b. gross misdemeanor
c. petty felony
d. gross felony

Answer Location: Categories of Crime, Felonies and Misdemeanors
Learning Objective: 1.3 Discuss the difference between felonies and misdemeanors and the difference between *mala in se* and *mala prohibita*
Cognitive Domain: Knowledge
Question Type: MC

15. _____ crimes are considered “inherently evil” even if not prohibited by law.
*a. Mala in se  
b. Mala prohibita  
c. Mens rea  
d. Moral crimes  
Answer Location: Categories of Crime, Mala in Se and Mala Prohibita  
Learning Objective: 1.3 Discuss the difference between felonies and misdemeanors and the difference between *mala in se* and *mala prohibita*  
Cognitive Domain: Knowledge  
Question Type: MC

16. _____ offenses are not “inherently evil” and only considered wrong because they are prohibited by a statute.

a. Mala in se  
*b. Mala prohibita  
c. Mens rea  
d. Moral crimes  
Answer Location: Categories of Crime, Mala in Se and Mala Prohibita  
Learning Objective: 1.3 Discuss the difference between felonies and misdemeanors and the difference between *mala in se* and *mala prohibita*  
Cognitive Domain: Comprehension  
Question Type: MC

17. The _____ is/are the foundation of American criminal law.

a. state criminal code  
b. federal criminal code  
c. international treaties  
*d. English common law  
Answer Location: Sources of Criminal Law, The Common Law  
Learning Objective: 1.4 List and describe the various sources of criminal law  
Cognitive Domain: Knowledge  
Question Type: MC

18. Some states remain _____, meaning that the common law may be applied where the state legislature has not adopted a law in a particular area.

a. English law states  
b. federal state statutes  
*c. common law states  
d. federal law states
19. The _____ compiles the criminal laws adopted by the US Congress.

a. Constitution  
b. state criminal code  
*c. federal criminal code  
d. Supremacy Clause  

20. The _____ of the US Constitution provides that the federal law is superior to a state law within those areas that are preserved for the federal government.

a. Constitution  
b. state criminal code  
c. federal criminal code  
*d. Supremacy Clause  

21. What is the foundation of the criminal justice system?

*a. The criminal law  
b. The judicial system  
c. Crime  
d. All of the above  

22. The study of _____ involves the analysis of the definition of specific crimes and of the general principles that apply to all crimes.
*a. substantive criminal law
b. criminal procedure
c. substantive criminal procedure
d. law school

Answer Location: The Principles of Criminal Law
Learning Objective: 1.2 Explain the difference between criminal law and criminal procedure
Cognitive Domain: Comprehension
Question Type: MC

23. The _____ is a standardized set of laws established to encourage US states to adopt uniform codes and corresponding definitions.

a. common law
*b. Model Penal Code
c. state criminal codes
d. international treaties

Answer Location: Sources of Criminal Law, The Model Penal Code
Learning Objective: 1.4 List and describe the various sources of criminal law.
Cognitive Domain: Knowledge
Question Type: MC

24. ——— includes the duty to protect the well-being and tranquility of a community and prohibit acts that may bring harm to its people.

a. Municipal ordinances
b. English acts of Parliament
c. Crimes against public order
*d. State police power

Answer Location: Sources of Criminal Law, State Police Power
Learning Objective: 1.4 List and describe the various sources of criminal law.
Cognitive Domain: Comprehension
Question Type: MC

25. Those minor criminal acts with no imprisonment term because they cause modest social harm are ________.

a. gross misdemeanors
b. petty misdemeanors
c. crimes against public morals
*d. violations or infractions

Answer Location: Categories of Crime, Felonies and Misdemeanors
Learning Objective: 1.3 Discuss the difference between felonies and misdemeanors and the difference between *mala in se* and *mala prohibita.*
Cognitive Domain: Knowledge
Question Type: MC

26. Fiona wants to be a criminologist. She hopes to focus her studies on prosecutorial misconduct and administration of justice. Her interests are examples of what?
   a. Substantive criminal law
   *b. Criminal procedure
   c. Defenses
d. Due process

Answer Location: The Principles of Criminal Law
Learning Objective: 1.2 Explain the difference between criminal law and criminal procedure

Cognitive Domain: Application
Question Type: MC

27. Ian is a new attorney who has begun his own law practice. His first client comes seeking advice. The client recounts a series of events in which an altercation broke out last night at the local tavern. He asks Ian what possible charges he may face for his role in the barroom brawl. What he is asking for requires an understanding of what?
   a. Criminal procedure
   b. Due process
   *c. Substantive criminal law
d. Criminal intent

Answer Location: The Principles of Criminal Law
Learning Objective: 1.2 Explain the difference between criminal law and criminal procedure

Cognitive Domain: Application
Question Type: MC

28. Eric was driving his vehicle excessively fast in order to get to ComicCon on time. He was driving 79 in a 65mph zone. He is pulled over by a stealthy police officer and written a ticket that carries a large fine. His behavior would likely be classified as_____.
   a. a misdemeanor
   b. a felony
   c. a capital felony
   *d. a violation or infraction

Answer Location: Categories of Crime, Felonies and Misdemeanors
Learning Objective: 1.3 Discuss the difference between felonies and misdemeanors and the difference between mala in se and mala prohibita

Cognitive Domain: Application
Question Type: MC

29. Monika is the defendant in a criminal trial. After days of jury deliberation she is found guilty. The judge quickly moves into the sentencing phase. Later the same day, she is sentenced to 7 months in prison. She most likely committed which type of offense?
   a. Felony
   b. Second-degree murder
30. Tom works hard throughout the week and very much looks forward to his weekends. He thinks that his hard work earns him as many drinks as he wants. Last night, he went to a party and drank quite a bit and then decided to take a walk in the local park because he knew he was too intoxicated to drive. Despite it being 1 a.m. he was singing at the top of his lungs and local residents called the police to complain about his behavior. If he is found to have committed a crime it would likely be which of the following?
   a. Mala in se
   *b. Mala prohibita
   c. Crimes against property
   d. Crimes against persons
   Answer Location: Categories of Crime, Felonies and Misdemeanors
   Learning Objective: 1.3 Discuss the difference between felonies and misdemeanors and the difference between *mala in se* and *mala prohibita*
   Cognitive Domain: Application
   Question Type: MC

31. Abigail has been having some hard times financially. She recently lost her job and is finding it difficult to make ends meet. She has been considering breaking into homes in a nice neighborhood to see what she can find to take to the pawn shop. She knows that stealing is wrong but thinks people may not notice if she takes items they don’t need. Abigail is considering committing which type of crime?
   *a. Mala in se
   b. Mala prohibita
   c. Due process violations
   d. Search and seizure
   Answer Location: Categories of Crime, Felonies and Misdemeanors
   Learning Objective: 1.3 Discuss the difference between felonies and misdemeanors and the difference between *mala in se* and *mala prohibita*
   Cognitive Domain: Application
   Question Type: MC

32. Aiesha is the defendant in a criminal trial. She knows if she is found guilty she will likely face less than 6 months imprisonment. What type of offense has she been charged with?
   a. Gross misdemeanor
   *b. Petty misdemeanor
   c. First-degree felony
   d. Minor felony
   Answer Location: Categories of Crime, Felonies and Misdemeanors
Learning Objective: 1.3 Discuss the difference between felonies and misdemeanors and the difference between *mala in se* and *mala prohibita*

Cognitive Domain: Application

Question Type: MC

33. Honorable Judge Casey has sat on the bench for 15 years. He has seen it all. His judicial decisions have impacted thousands in the community. What is the significance of his judicial decisions in criminal law?
   a. All other courts must abide by his decisions.
   *b. They serve as precedents for future cases and other legislative issues.*
   c. They have no significance outside of the specific case that was decided.
   d. Decisions serve as study guides for students only.

Answer Location: Sources of Criminal Law

Learning Objective: 1.4 List and describe the various sources of criminal law

Cognitive Domain: Application

Question Type: MC

34. Isaac has committed a felony. He has not yet gone to trial and is hoping to work out a plea bargain with the prosecution. While he is certain he faces jail time, he is hoping to ensure he does not have to serve more than a year because he has a wife and kids and can’t stand the thought of being away from them. Isaac is hoping to be charged with what?
   *a. Misdemeanor*
   b. Petty felony
   c. Violation
   d. Capital felony

Answer Location: Categories of Crime, Felonies and Misdemeanors

Learning Objective: 1.3 Discuss the difference between felonies and misdemeanors and the difference between *mala in se* and *mala prohibita*

Cognitive Domain: Application

Question Type: MC

35. What is the foundation of the criminal justice system?

*a. Criminal law*

b. Judicial code
c. State statutes
d. Model Penal Code

Answer Location: Introduction

Learning Objective: 1.1 Define a crime, provide examples of criminal behavior, and distinguish between civil and criminal law

Cognitive Domain: Knowledge

Question Type: MC

36. What is the most important feature of a crime?
   a. It is an act that is officially condemned by the community.
   b. It carries a sense of shame and humiliation.
   c. It is followed with swift punishment.
37. John lives in an apartment in downtown Chicago. While the rent is cheap, it is infested with bugs and inconvenient to get to from the train. His lease is not up for 4 more months, but he is thinking about moving out anyway. If he does so and his landlord seeks legal advice to claim the unpaid rent, his remedy likely falls within which realm?
   a. Substantive criminal law
   b. Criminal procedure
   c. Civil law
   d. Crimes against
   Answer Location: Criminal and Civil Law
   Learning Objective: 1.2 Explain the difference between criminal law and criminal procedure
   Cognitive Domain: Application
   Question Type: MC

38. What allows a state to incorporate the common law as an unwritten part of the criminal law?
   a. Code jurisdictions
   b. Common law statutes
   c. Reception statutes
   d. Federally mandated incorporation
   Answer Location: State Criminal Codes
   Learning Objective: 1.4 List and describe the various sources of criminal law
   Cognitive Domain: Comprehension
   Question Type: MC

39. A man who was recently imprisoned for a felony was released just a month ago. As a result of his conviction, what challenges might he face?
   a. Ineligibility for public housing
   b. Ineligibility for various forms of federal assistance
   c. Unable to adopt a child
   d. Unable to be licensed in various professions
   e. All of the above
   Answer Location: Mala in Se and Mala Prohibita
   Learning Objective: 1.3 Discuss the difference between felonies and misdemeanors and the difference between mala in se and mala prohibita
   Cognitive Domain: Comprehension
   Question Type: MC

40. The basic principles of criminal law are _____.

*a. criminal act, criminal intent, concurrence, causation, responsibility, and defenses
b. criminal act, criminal intent, concurrence, causation, justification, and defenses
c. criminal act, criminal intent, concurrence, plea bargain, responsibility, and defenses
d. criminal act, criminal intent, concurrence, causation, responsibility, and sentencing

Answer Location: The Principles of Criminal Law
Learning Objective: 1.2 Explain the difference between criminal law and criminal procedure
Cognitive Domain: Comprehension
Question Type: MC

41. Which common law crimes had been developed by the year 1600?
*a. Arson, burglary, larceny, manslaughter
b. Mayhem, rape, robbery, embezzlement
c. False pretenses, sedition, solicitation, blasphemy
d. Rape, mayhem, blasphemy, sedition

Answer Location: Sources of Criminal Law, The Common Law
Learning Objective: 1.4 List and describe the various sources of criminal law
Cognitive Domain: Comprehension
Question Type: MC

42. Which single source of criminal law governs the largest number of people?
a. A municipal ordinance
b. A state criminal code
*c. A federal criminal code
d. A state constitution

Answer Location: Sources of Criminal Law, The Common Law
Learning Objective: 1.4 List and describe the various sources of criminal law
Cognitive Domain: Analysis
Question Type: MC

43. Moral turpitude plays a role in classifying which types of crimes?
*a. Felonies and misdemeanors
b. Mala in se and mala prohibita
c. Gross and petty misdemeanors
d. Violations and infractions

Answer Location: Categories of Crime, Mala in Se and Mala Prohibita
Learning Objective: 1.3 Discuss the difference between felonies and misdemeanors and the difference between *mala in se* and *mala prohibita*
Cognitive Domain: Comprehension
Question Type: MC

44. A legal action in which one individual receives financial compensation from another individual for physical and emotional injuries was likely the result of ________.
*a. the commission of a tort
b. the commission of a crime
c. certainty beyond a reasonable doubt

d. due process

Answer Location: Criminal and Civil Law

Learning Objective: 1.2 Explain the difference between criminal law and criminal procedure

Cognitive Domain: Comprehension

Question Type: MC

45. Krissy is a rebel despite no longer being a teenager. After a recent disagreement with her parents, she decides she is going to teach them a lesson. She plans to commit a crime. What classification of crime will result in the lightest sentence if found guilty?

a. Petty misdemeanor

b. Felony

c. Misdemeanor

*d. Violation

Answer Location: Categories of Crime, Felonies and Misdemeanors

Learning Objective: 1.3 Discuss the difference between felonies and misdemeanors and the difference between mala in se and mala prohibita

Cognitive Domain: Application

Question Type: MC

**True/False**

46. True or false? The difference between a civil and criminal action is always clear.

a. True

*b. False

Answer Location: Criminal and Civil Law

Learning Objective: 1.2 Explain the difference between criminal law and criminal procedure

Cognitive Domain: Comprehension

Question Type: TF

47. True or false? The primary purpose or function of criminal law is to help maintain social order and stability.

*a. True

b. False

Answer Location: Criminal and Civil Law

Learning Objective: 1.2 Explain the difference between criminal law and criminal procedure

Cognitive Domain: Comprehension

Question Type: TF

48. True or false? Criminal procedure is concerned with “what law is enforced.”
49. True or false? Whether a conviction is for a felony or misdemeanor is determined by the punishment provided in the statute under which an individual is convicted rather than by the actual punishment imposed.

*a. True
*b. False

Answer Location: The Principles of Criminal Law
Learning Objective: 1.2 Explain the difference between criminal law and criminal procedure
Cognitive Domain: Comprehension
Question Type: TF

50. True or false? The severity of punishment imposed is not based on the seriousness of the particular offense.

*a. True
*b. False

Answer Location: Categories of Crime, Felonies and Misdemeanors
Learning Objective: 1.3 Discuss the difference between felonies and misdemeanors and the difference between mala in se and mala prohibita
Cognitive Domain: Comprehension
Question Type: TF

51. True or false? A misdemeanor conviction can prevent you from being licensed to practice various professions and bar you from being admitted into certain federal positions.

*a. True
*b. False

Answer Location: Categories of Crime, Felonies and Misdemeanors
Learning Objective: 1.3 Discuss the difference between felonies and misdemeanors and the difference between mala in se and mala prohibita
Cognitive Domain: Comprehension
Question Type: TF

52. True or false? The English common law is the foundation of American criminal law.
53. True or false? The distinctive characteristic of common law is that this is, for the most part, the product of decisions of juries in actual cases.

a. True
*b. False

Answer Location: Sources of Criminal Law, The Common Law
Learning Objective: 1.4 List and describe the various sources of criminal law
Cognitive Domain: Knowledge
Question Type: TF

54. True or false? Common law does not continue to play a role in states’ laws.

a. True
*b. False

Answer Location: Sources of Criminal Law, The Common Law
Learning Objective: 1.4 List and describe the various sources of criminal law
Cognitive Domain: Comprehension
Question Type: TF

55. True or false? The fact that there is a significant degree of agreement in the definition of crimes in state codes, to a larger extent, is due to the Model Penal Code.

*a. True
b. False

Answer Location: Sources of Criminal Law, State Criminal Codes
Learning Objective: 1.4 List and describe the various sources of criminal law
Cognitive Domain: Comprehension
Question Type: TF

56. True or false? It is constitutionally permissible to prosecute a defendant for the same act at both the state and federal levels as long as the criminal charges differ slightly.

*a. True
b. False

Answer Location: Sources of Criminal Law, Federal Statutes
Learning Objective: 1.4 List and describe the various sources of criminal law
Cognitive Domain: Comprehension
Question Type: TF

57. True or false? The ability of legislators to enact criminal laws is not limited by public opinion.
   a. True
   *b. False
   Answer Location: Sources of Criminal Law, Constitutional Limitations

Learning Objective: 1.4 List and describe the various sources of criminal law
Cognitive Domain: Comprehension
Question Type: TF

58. True or false? A broad variety of acts are defined as crimes.
   *a. True
   b. False
   Answer Location: Chapter Summary

Learning Objective: 1.1 Define a crime, provide examples of criminal behavior, and distinguish between civil and criminal law
Cognitive Domain: Knowledge
Question Type: TF

59. True or false? Criminal law defines the acts that may lead to an arrest, prosecution, and imprisonment.
   *a. True
   b. False
   Answer Location: The Purpose of Criminal Law

Learning Objective: 1.2 Explain the difference between criminal law and criminal procedure
Cognitive Domain: Knowledge
Question Type: TF

60. True or false? All criminal convictions result in a fine or imprisonment.
   a. True
   *b. False
   Answer Location: Categories of Crime, Felonies and Misdemeanors

Learning Objective: 1.3 Discuss the difference between felonies and misdemeanors and the difference between *mala in se* and *mala prohibita*
Cognitive Domain: Comprehension
Question Type: TF
61. True or false? The United States does not have a system of dual sovereignty.

a. True
b. False

Answer Location: Sources of Criminal Law, Federal Statutes
Learning Objective: 1.4 List and describe the various sources of criminal law
Cognitive Domain: Knowledge
Question Type: TF

62. True or false? States possess broad police powers to legislate for public health safety and welfare of the residents of the state.

*a. True
b. False

Answer Location: Sources of Criminal Law, State Police Power
Learning Objective: 1.4 List and describe the various sources of criminal law
Cognitive Domain: Comprehension
Question Type: TF

63. True or false? What is considered a crime in one state will always be considered a crime in a neighboring state.

a. True
b. False

Answer Location: Sources of Criminal Law, State Criminal Codes
Learning Objective: 1.4 List and describe the various sources of criminal law
Cognitive Domain: Comprehension
Question Type: TF

64. A judge has the discretion to issue a mere warning to a criminal defendant instead of requiring payment of a fine, as in the case of a misdemeanor, or a term of imprisonment, in the case of a felony.

*a. True
b. False

Answer Location: The Nature of Criminal Law
Learning Objective: 1.1 Define a crime, provide examples of criminal behavior, and distinguish between civil and criminal law
Cognitive Domain: Comprehension
Question Type: TF

65. Police powers enable the state to create legislation on any matter the police deem necessary.
a. True
*b. False

Answer Location: Sources of Criminal Law, State Police Power
Learning Objective: 1.4 List and describe the various sources of criminal law
Cognitive Domain: Comprehension
Question Type: TF

66. What is a crime?

Whatever the law declares to be criminal and is punished with a penalty. It is a conduct that results in the formal and solemn pronouncement of moral condemnation of the community.
Answer Location: The Nature of Criminal Law
Learning Objective: 1.1 Define a crime, provide examples of criminal behavior, and distinguish between civil and criminal law
Cognitive Domain: Comprehension
Question Type: TF

67. What is criminal law?

It is a set of legal codes that govern behavior and serves as the foundation of the criminal justice system.
Answer Location: Criminal and Civil Law
Learning Objective: 1.1 Define a crime, provide examples of criminal behavior, and distinguish between civil and criminal law
Cognitive Domain: Comprehension
Question Type: Essay

**Short Answer and Essay Questions**

68. List five of the seven sources of criminal law in the United States.

English and American common law, state criminal codes, municipal ordinances, federal criminal code, state and federal constitutions, international treaties, and judicial decisions.
Answer Location: Sources of Criminal Law
Learning Objective: 1.4 List and describe the various sources of criminal law
Cognitive Domain: Knowledge
Question Type: Essay

69. List the eight classification categories of crime according to their subject matter.
70. For each of the subject matter classifications, provide at least one example.

Crimes against the state—treason, sedition, espionage, terrorism. Crimes against the person—
homicide, murder, manslaughter. Crimes against the person, sexual offenses and other crimes—
rape, assault and battery, false imprisonment, kidnapping. Crimes against property—larceny,
embezzlement, false pretenses, receiving stolen property, robbery, fraud. Crimes against
habitation—burglary, arson, trespassing. Crimes against public order—disorderly conduct, riot.
Crimes against administration of justice—obstruction of justice, perjury, bribery. Crimes against
public morals—prostitution, obscenity.

71. What is the purpose of criminal law?

To maintain social order and stability.

72. Why is the Model Penal Code significant?

The Model Penal Code is significant because it provides a standardized foundation for states
when codifying criminal acts. The Model Penal Code also establishes uniform definitions of
concepts that may differ from state to state.
73. What is the difference between criminal law and civil law?

Criminal law protects the public interest, requires a burden of proof beyond a reasonable doubt, and any legal action is brought by a prosecutor. Civil law, on the other hand, protects individuals rather than the public interest. The burden of proof requirement is only the preponderance of the evidence and legal action is brought by the individual. Consequences of criminal law may result in permanent loss in freedom, life, or property, while consequences of civil law may result in loss of property, typically in monetary terms.

Learning Objective: 1.1 Define a crime, provide examples of criminal behavior, and distinguish between civil and criminal law
Cognitive Domain: Analysis
Question Type: Essay

74. What is the difference between substantive criminal law and criminal procedure?

Substantive criminal law answers the question “What law is enforced?” Procedural criminal law, on the other hand, answers the question “How is the law enforced?” Substantive criminal law establishes the definitions of concepts and principles that apply to all crimes. These include criminal act (actus reus), criminal intent (mens rea), concurrence of actus reus and mens rea, causation, responsibility, and defenses. Procedural criminal law sets the legal standards that govern detection, investigation, and prosecution of crimes. It dictates what is and is not permissible when dealing with the criminal justice system without infringing on the constitutional rights of individuals.

Learning Objective: 1.2 Explain the difference between criminal law and criminal procedure
Cognitive Domain: Analysis
Question Type: Essay

75. What is the difference between mala in se and mala prohibita crimes? Provide one example for each.

Mala in se crimes are those that are considered to be inherently evil and would be condemned by society even without any legislative policies that prohibit it. Mala prohibita crimes are those that are not necessarily considered inherently evil but are still punishable because a statute prohibits it. Students must provide examples such as rape, murder, or robbery for mala in se and jaywalking or truancy for mala prohibita.

Learning Objective: 1.3 Discuss the difference between felonies and misdemeanors and the difference between mala in se and mala prohibita
Cognitive Domain: Analysis
Question Type: Essay
76. Professors Jerome Hall and Wayne R. LaFave identify the basic principles that comprise the general part of criminal law. List and describe these parts of criminal law and explain their importance.

An individual must commit a criminal act (actus reus) and concurrently possess a criminal intent (mens rea) to specifically commit that crime. Typically, these two are required to occur at the same time because having the intent to commit a crime without actually committing a crime cannot be justifiably punished. Likewise, committing a crime without any intention of committing that crime may also pose problems in prosecution. For instance, an individual holding the jacket of a friend who is participating in an illegal fight may not be liable as an accomplice simply by providing slight assistance because there might not be specific intent to assist. There is also the concept of causation wherein the criminal act must have directly caused the harm to the victim. It is unjust to punish a would-be murderer for the death of another when the victim died from an unforeseeable lightning storm. Furthermore, while ignorance of the law is not a defense, society must be able to access statutes where criminal acts and intents are clearly stated so individuals may choose to either follow or violate the law. Finally, defenses are the justifications and excuses for committing an act that is typically considered a crime. It is important to differentiate between truly criminal acts and acts that are committed in self-defense.

Answer Location: The Principles of Criminal Law
Learning Objective: 1.2 Explain the difference between criminal law and criminal procedure
Cognitive Domain: Analysis
Question Type: Essay

77. Describe the origins and development of the English common law and its eventual transportation to the American colonies.

Students should briefly discuss the historical facts surrounding the development of English common law (William the Conqueror wanting to establish legal uniformity) and provide examples of common law crimes. It is important to discuss that common law is based on the decisions made by judges. Students should also discuss its transportation to the American colonies and the gradual adoption of common law by the colonies.

Answer Location: Sources of Criminal Law, The Common Law
Learning Objective: 1.4 List and describe the various sources of criminal law
Cognitive Domain: Analysis
Question Type: Essay

78. What is dual sovereignty? How can a defendant be prosecuted for the same act at both the state and federal levels? Use the Rodney King case to develop support for your answer.

Dual sovereignty is the sharing of power between state and federal governments; however, a preemption doctrine exists where federal criminal laws are constitutionally superior to state laws. A defendant can be prosecuted for the same act at both the state and federal levels if the criminal charges slightly differ. Students must recognize the significance of the preemption doctrine when discussing the concept of dual sovereignty. When providing an argument for prosecution at state and federal levels, the student must provide specific charges given at the state level (assault with a deadly weapon and excessive use of force by a police officer) and federal level (violation of
constitutional rights under color of law). Finally, the students must provide the holdings from two trials, any sanctions, and discuss the concept of double jeopardy (or debate whether this is actually double jeopardy).

Answer Location: Sources of Criminal Law, Federal Statutes
Learning Objective: 1.4 List and describe the various sources of criminal law
Cognitive Domain: Analysis
Question Type: Essay

79. Discuss the limitations that the US Constitution places on criminal law.

Students must list the four limitations: (a) a state or local law may not regulate an area that is reserved to the federal government, (b) a law may only infringe upon civil and political rights in compelling circumstances, (c) a law must be clearly written and citizens and police must be given notice, (d) a law must not impose cruel and unusual punishment and a law may not be retroactive. Student must also explain the significance of each limitation and the various implications they pose if violated.

Answer Location: Sources of Criminal Law, Constitutional Limitations
Learning Objective: 1.4 List and describe the various sources of criminal law
Cognitive Domain: Analysis
Question Type: Essay

80. Explain why the US Constitution states that federal laws may not encroach upon state powers.

Students must discuss the concept of dual sovereignty, preemption doctrine, supremacy clause, and interstate commerce clause. They may discuss and provide examples of why the interstate commerce clause provides a thin line for federal laws to take over state.

Answer Location: Sources of Criminal Law, Federal Statutes
Learning Objective: 1.4 List and describe the various sources of criminal law
Cognitive Domain: Analysis
Question Type: Essay