Chapter 1 Test Questions

1. A \_\_\_\_\_ is whatever the law declares to be a criminal offense and punishes with a penalty.

\*a. crime

b. deviance

c. felony

d. misdemeanor

2. Who and/or what does civil law protect?

a. The public interest

\*b. The individual

c. Both a and b

d. None of the above

3. \_\_\_\_\_ is that branch of the law that protects the individual rather than the public interest.

a. Criminal law

b. Individual law

c. Lawsuit

\*d. Civil law

4. \_\_\_\_\_is defined as an injury to a person or to his or her property.

\*a. Tort

b. Misdemeanor

c. Grievance

d. Felony

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

\*a. Criminal defense

b. Concurrence

c. Criminal act

d. Criminal intent

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

a. Substantive criminal law

\*b. Criminal procedure

c. Substantive criminal procedure

d. Law school

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

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

9. Which of the following 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

10. A \_\_\_\_\_ is a crime punishable by less than a year in prison.

a. felony

\*b. misdemeanor

c. personal injury

d. All of the above

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

a. English and American common law

b. State criminal codes

c. International treaties

\*d. International tribunal

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

\*a. Dual sovereignty

b. Independent power

c. Federal state relationship

d. Dual law

13. \_\_\_\_\_ are crimes subject to the death penalty or life in prison.

a. Dangerous felonies

b. Evil crimes

\*c. Capital felonies

d. Capital misdemeanors

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

15. \_\_\_\_\_ crimes are considered “inherently evil” and would be evil even if not prohibited by law.

\*a. Mala in se

b. Mala prohibita

c. Mens rea

d. Moral crimes

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

a. Mala in se

\*b. Mala prohibita

c. Mens rea

d. Moral crimes

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

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 United States Congress.

a. Constitution

b. state criminal code

\*c. federal criminal code

d. Supremacy Clause

20. The \_\_\_\_\_ of the United States 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

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

a. common law

\*b. Model Penal Code

c. state criminal codes

d. international treaties

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

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

26. True or False? Criminal law is the foundation of the criminal justice system.

\*a. True

b. False

27. True or False? The important feature of a crime is that it is an act that is officially condemned by the community and carries a sense of shame and humiliation.

\*a. True

b. False

28. True or False? Civil law is the branch of the law that protects public interest.

a. True

\*b. False

29. True or False? The difference between a civil and criminal action is always clear.

a. True

\*b. False

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

\*a. True

b. False

31. True or False? Criminal procedure is concerned with “what law is enforced.”

a. True

\*b. False

32. 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

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

a. True

\*b. False

34. 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

35. True or False? The English common law is the foundation of American criminal law.

\*a. True

b. False

36. 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

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

a. True

\*b. False

38. 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

39. 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

40. True or False? The ability of legislators to enact criminal laws is not limited by public opinion.

a. True

\*b. False

41. True or False? A broad variety of acts are defined as crimes.

\*a. True

b. False

42. True or False? Criminal law defines the acts that may lead to an arrest, prosecution, and imprisonment.

\*a. True

b. False

43. True or False? All criminal convictions result in a fine or imprisonment.

a. True

\*b. False

44. True or False? The United States does not have a system of dual sovereignty.

a. True

\*b. False

45. 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

Type E

46. What is a crime?

a. 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 the moral condemnation of the community.

Type E

47. What is criminal law?

a. It is a set of legal codes that govern behavior and serves as the foundation of the criminal justice system.

Type E

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

a. English and American common law, state criminal codes, municipal ordinances, federal criminal code, state and federal constitutions, international treaties, and judicial decisions.

Type E

49. List the eight classification categories of crime according to their subject matter.

a. Crimes against the State; Crimes against the person, homicide; Crimes against the person, sexual offenses and other crimes; Crimes against habitation; Crimes against property; Crimes against Public Order; Crimes against the administration of justice; Crimes against public morals.

Type E

50. For each of the subject matter classifications, provide at least one example.

a. Crimes against the State—treason, sedition, espionage, terrorism. Crimes against the person, homicide—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.

Type E

51. What is the purpose of criminal law?

a. To maintain social order and stability.

Type E

52. What is the difference between gross misdemeanors and petty misdemeanors?

a. Gross misdemeanors result in 6 to 12 months’ imprisonment while petty misdemeanors result in less than 6 months’ imprisonment.

Type E

53. Why is the Model Penal Code significant?

a. 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.

Type E

54. What is the significance of judicial decisions in criminal law?

a. Judicial decisions are some of the sources of criminal law and they serve as precedents for future cases as well as other legislative issues.

Type E

55. What type of crime is punishable by less than a year in prison?

a. Misdemeanor

Type E

56. What is the difference between criminal law and civil law?

a. 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.

Type E

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

a. 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.

Type E

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

a. Mala in se crimes are those crimes 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 crimes 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.

Type E

59. 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.

a. 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, for instance.

Type E

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

a. 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.

Type E

61. 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.

a. 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).

Type E

62. Discuss the limitations that the U.S. Constitution places on criminal law.

a. 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.

Type E

63. Explain why the U.S. Constitution states that federal laws may not encroach upon state powers.

a. 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.