

Chapter 1 - Criminal Law: Purposes, Scope, and Sources

True / False

1. An ex post facto law is a law which has a retroactive effect.

- a. True
- b. False

ANSWER: True

2. An alcoholic cannot be convicted for the offense of being drunk in a public place based upon the Eighth and Fourteenth Amendments.

- a. True
- b. False

ANSWER: False

3. Substantive criminal law deals with the minimum standards of behavior in society.

- a. True
- b. False

ANSWER: True

4. Agencies within the legislative branch of government administer and enforce laws.

- a. True
- b. False

ANSWER: False

5. The "prior notice" doctrine requires that fair warning be given in language that the ordinary person will understand.

- a. True
- b. False

ANSWER: True

6. Status crimes have no act requirement.

- a. True
- b. False

ANSWER: True

7. One reason a person would not commit a crime is that they fear arrest.

- a. True
- b. False

ANSWER: True

8. Police power is the inherent power of the federal government, subject to constitutional limits, to enact criminal laws.

- a. True
- b. False

ANSWER: False

9. One of the generally recognized goals of the criminal justice system is to protect society from dangerous and harmful people.

- a. True
- b. False

ANSWER: True

10. All states have abolished common law crimes.

- a. True
- b. False

ANSWER: False

Multiple Choice

11. Which branch of the government administers and enforces criminal laws?

- a. The legislative branch
- b. The judicial branch
- c. The executive branch
- d. The state branch

ANSWER: c

12. The ____ Amendment of the US Constitution provides that “[t]he powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.”

- a. First
- b. Fifth
- c. Eighth
- d. Tenth

ANSWER: d

13. In the US, the supreme law of the land is considered to be:

- a. the constitution of each state.
- b. federal statutes.
- c. Presidential Executive Orders.
- d. the U.S. Constitution.

ANSWER: d

14. Which branch of the government determines the constitutionality of laws or ordinances?

- a. The legislative branch
- b. The judicial branch

- c. The executive branch
- d. The state branch

ANSWER: b

15. Which statement is true regarding the standards set by moral laws compared to those set by criminal laws?

- a. The standards set by moral laws are generally higher than those set by criminal laws
- b. The standards set by moral laws are generally lower than those set by criminal laws
- c. The standards set by moral laws are generally the same as those set by criminal laws
- d. None of these choices

ANSWER: a

16. The first and earliest source of criminal laws was:

- a. common law.
- b. administrative regulations.
- c. constitutions.
- d. statutes.

ANSWER: a

17. Common law crimes in England were created by:

- a. judges.
- b. society.
- c. prosecutors.
- d. the king or queen.

ANSWER: a

18. After the American Revolution, the source of much of the statutory crimes in this country came from:

- a. newly created crimes unknown to English common law.
- b. Roman law principles of crime.
- c. converted common law crimes .
- d. the extensive penal codes of several European countries.

ANSWER: c

19. All of the following are constitutional limitations on criminal laws except?

- a. Ex post facto laws
- b. Bill of attainder
- c. Due process
- d. Overbreadth doctrine

ANSWER: d

20. Crime that is created by government administrative agencies under specific authority or guidelines granted to it by legislative bodies is called:

- a. administrative crime.

- b. statutory crime.
- c. common law crime.
- d. judicial crime.

ANSWER: a

21. An example of private law is:

- a. criminal law.
- b. criminal procedure.
- c. divorce.
- d. Constitutional law.

ANSWER: c

22. The law of criminal procedure deals with:

- a. the law followed in the investigation and processing of a crime.
- b. the definition of crimes.
- c. contractual issues.
- d. torts.

ANSWER: a

23. The substantive criminal law:

- a. defines the standards of conduct for protection of the community.
- b. is an important branch of private law.
- c. is no longer followed in the US.
- d. defines the steps followed in processing a criminal case.

ANSWER: a

24. A person might commit a crime for any of the following reasons except?

- a. fear of arrest and punishment.
- b. insufficient moral or ethical restraints.
- c. peer pressure.
- d. opportunity combined with capacity and skill.

ANSWER: a

25. A tort is:

- a. a public wrong against society.
- b. a civil wrong done to a person or her property.
- c. a crime.
- d. always a moral wrong.

ANSWER: b

26. If a person intentionally damages a building owned by another person, this action:

- a. is a crime, but not a tort.
- b. is a tort, but not a crime.
- c. is neither a tort nor a crime.

d. is both a tort and a crime.

ANSWER: d

27. The Latin maxim nulla poena sine lege means:

- a. no law without punishment.
- b. no punishment without a moral wrong.
- c. no punishment without law for it.
- d. no law without morality.

ANSWER: c

28. Which is not one of the four generally recognized goals of the criminal justice system?

- a. Discourage people from committing crimes
- b. Protect society from dangerous people
- c. Punish people who have committed crimes
- d. Help victims harmed by crime

ANSWER: d

29. To be enforceable, state criminal laws must be consistent with:

- a. civil law.
- b. substantive law.
- c. procedural law.
- d. the US and State Constitutions.

ANSWER: d

30. An ex post facto law is basically a:

- a. legislative infliction of criminal punishment without a trial.
- b. retroactive criminal statute.
- c. limitation on freedom of speech.
- d. federal criminal statute.

ANSWER: b

31. A bill of attainder is:

- a. also known as an ex post facto law.
- b. a legislative act that inflicts punishment without a trial.
- c. a retroactive criminal statute.
- d. a type of international law.

ANSWER: b

32. The due process clause is found in the ____ Amendment of the US Constitution

- a. First
- b. Fourth
- c. Eighth
- d. Fourteenth

ANSWER: d

33. What is the name of the inherent power of every state and local government, subject to constitutional limits, to enact criminal laws?

- a. Police power
- b. Constitutional authority
- c. Bill of attainder
- d. Constitutional power

ANSWER: a

34. Which branch of the government enacts criminal laws?

- a. The legislative branch
- b. The judicial branch
- c. The executive branch
- d. The state branch

ANSWER: a

35. A statute making heroin addiction, by itself, a crime would most likely:

- a. be upheld by the US Supreme Court.
- b. be found unconstitutional.
- c. violate the overbreadth doctrine.
- d. conflict with present-day drug statutes.

ANSWER: b

36. An unnecessarily broadly written law that invades the area of protected freedoms would be deemed unconstitutional on what grounds?

- a. Due process
- b. Bill of attainder
- c. Void of vagueness doctrine
- d. Overbreadth doctrine

ANSWER: d

37. The equal protection clause of the Fourteenth Amendment requires that:

- a. states treat all people as individuals.
- b. states treat all people generously.
- c. private groups treat all people alike.
- d. states treat all people alike.

ANSWER: d

38. The equal protection clause applies:

- a. to criminal laws only.
- b. to civil laws only.
- c. to both criminal and civil laws.
- d. to federal laws, not state laws.

ANSWER: c

39. The Latin maxim nulla poena sine lege is also known as:

- a. the principle of legality.
- b. the Fifth amendment principle.
- c. the retroactive prohibition principle.
- d. the legal principle of prohibition.

ANSWER: a

40. The Latin maxim nulla poena sine lege, also known as the principle of legality, requires that:

- a. there be no retroactive definition of criminal behavior by judicial decision.
- b. statutory definitions of crime be made with judicial concurrence.
- c. laws be written in plain English.
- d. crimes must be committed before a law can be written which outlaws it.

ANSWER: a

Scott is arrested for selling drugs. He is arraigned in county courthouse and pleads not guilty. His lawyer is working with the prosecutor in order to get a good deal and ends up with a plea bargain for just probation instead of prison time. Scott was arrested by agents from the ____ branch of government.

41. Scott was arrested by agents from the ____ branch of government.

- a. legislative branch
- b. judicial branch
- c. executive branch
- d. state branch

ANSWER: c

Scott is arrested for selling drugs. He is arraigned in county courthouse and pleads not guilty. His lawyer is working with the prosecutor in order to get a good deal and ends up with a plea bargain for just probation instead of prison time. Scott violated ____ law.

42. Scott violated ____ law.

- a. criminal
- b. civil
- c. tort
- d. moral

ANSWER: a

Scott is arrested for selling drugs. He is arraigned in county courthouse and pleads not guilty. His lawyer is working with the prosecutor in order to get a good deal and ends up with a plea bargain for just probation instead of prison time. The marijuana laws which Scott violated are best described as what type of laws?

43. The marijuana laws which Scott violated are best described as what type of laws?

- a. Public and substantive
- b. Private and substantive
- c. Tort and public
- d. Substantive and tort

ANSWER: a

Chad's parents are both drug users and commit many different types of property crimes to support their drug addiction. Chad's friends steal items from stores in order to support their lifestyle. Chad begins experimenting with drugs and starts to commit property crimes. Chad started his drug use and criminal activities because:

44. Chad started his drug use and criminal activities because:

- a. he was forced by his parents.
- b. his friends talked him into it.
- c. he was the product of his environment.
- d. he chose these decisions by free will.

ANSWER: c

Chad's parents are both drug users and commit many different types of property crimes to support their drug addiction. Chad's friends steal items from stores in order to support their lifestyle. Chad begins experimenting with drugs and starts to commit property crimes. Chad commits property crimes:

45. Chad commits property crimes:

- a. to support his drug addiction.
- b. to be with his friends.
- c. for the thrill of it.
- d. to help his parents.

ANSWER: a

Chad's parents are both drug users and commit many different types of property crimes to support their drug addiction. Chad's friends steal items from stores in order to support their lifestyle. Chad begins experimenting with drugs and starts to commit property crimes. Chad eventually gets caught committing property crimes and using drugs. He is arrested, charged and convicted. He is given probation with intensive drug counseling and therapy. The goal of the criminal justice system in this situation is to:

46. Chad eventually gets caught committing property crimes and using drugs. He is arrested, charged and convicted. He is given probation with intensive drug counseling and therapy. The goal of the criminal justice system in this situation is to:

- a. rehabilitate Chad.
- b. punish Chad.
- c. deter Chad.
- d. jail Chad.

ANSWER: a

Julie owns a gun and has for several years. She is arrested for possession of a firearm within the city where she lives. The day following her arrest, the city passes a law making gun ownership of any kind illegal and punishable by a year in jail for the first offense. Julie is sentenced to one year and a day in prison. Since Julie was sentenced to more than one year in prison. It is likely she was charged with a ____ crime.

47. Since Julie was sentenced to more than one year in prison. It is likely she was charged with a ____ crime.

- a. felony
- b. misdemeanor
- c. tort
- d. status

ANSWER: a

Julie owns a gun and has for several years. She is arrested for possession of a firearm within the city where she lives. The day following her arrest, the city passes a law making gun ownership of any kind illegal and punishable by a year in jail for the first offense. Julie is sentenced to one year and a day in prison. Julie contends that because the law under which she was sentenced was passed the day after her arrest, her conviction on the gun possession charge is a clear violation of the principle of:

48. Julie contends that because the law under which she was sentenced was passed the day after her arrest, her conviction on the gun possession charge is a clear violation of the principle of:

- a. ex post facto laws.
- b. bill of attainder.
- c. due process.
- d. overbreadth doctrine.

ANSWER: a

Julie owns a gun and has for several years. She is arrested for possession of a firearm within the city where she lives. The day following her arrest, the city passes a law making gun ownership of any kind illegal and punishable by a year in jail for the first offense. Julie is sentenced to one year and a day in prison. Julie further contends that her conviction on the gun possession charge is a clear violation of the prohibition against ex post facto laws, which is guaranteed by _____ of the United States Constitution.

49. Julie further contends that her conviction on the gun possession charge is a clear violation of the prohibition against ex post facto laws, which is guaranteed by _____ of the United States Constitution.

- a. Article VII
- b. Article IV
- c. Article II
- d. Article I

ANSWER: d

Julie owns a gun and has for several years. She is arrested for possession of a firearm within the city where she lives. The day following her arrest, the city passes a law making gun ownership of any kind illegal and punishable by a year in jail for the first offense. Julie is sentenced to one year and a day in prison. Julie wins her freedom on appeal, when the court rules the city's law is a violation of Julie's ____ Amendment right to own and possess firearms.

50. Julie wins her freedom on appeal, when the court rules the city's law is a violation of Julie's ____ Amendment right to own and possess firearms.

- a. First
- b. Fourth
- c. Second
- d. Eighth

ANSWER: c

Julie owns a gun and has for several years. She is arrested for possession of a firearm within the city where she lives. The day following her arrest, the city passes a law making gun ownership of any kind illegal and punishable by a year in jail for the first offense. Julie is sentenced to one year and a day in prison. A discretionary writ issued by the Court to review the decision of a lower court is called a:

51. A discretionary writ issued by the Court to review the decision of a lower court is called a:

- a. writ of certiorari.
- b. habeas corpus.
- c. nulla poena sine lege.
- d. tort.

ANSWER: a

Julie owns a gun and has for several years. She is arrested for possession of a firearm within the city where she lives. The day following her arrest, the city passes a law making gun ownership of any kind illegal and punishable by a year in jail for the first offense. Julie is sentenced to one year and a day in prison. A writ that compels the authority holding a person in confinement to explain the basis for that confinement is called a:

52. A writ that compels the authority holding a person in confinement to explain the basis for that confinement is called a:

- a. writ of certiorari.
- b. writ of habeas corpus.
- c. nulla poena sine lege.
- d. tort.

ANSWER: b

Julie owns a gun and has for several years. She is arrested for possession of a firearm within the city where she lives. The day following her arrest, the city passes a law making gun ownership of any kind illegal and punishable by a year in jail for the first offense. Julie is sentenced to one year and a day in prison. A ____ is the most serious grade of crime and usually includes possibility of prison sentence.

53. A ____ is the most serious grade of crime and usually includes possibility of prison sentence.

- a. felony
- b. misdemeanor
- c. common law crime
- d. tort

ANSWER: a

Julie owns a gun and has for several years. She is arrested for possession of a firearm within the city where she lives. The day following her arrest, the city passes a law making gun ownership of any kind illegal and punishable by a year in jail for the first offense. Julie is sentenced to one year and a day in prison. A ____ is a less serious offense and usually carries a sentence of imprisonment for no more than a year.

54. A ____ is a less serious offense and usually carries a sentence of imprisonment for no more than a year.

- a. felony
- b. misdemeanor
- c. common law crime
- d. tort

ANSWER: b

Julie owns a gun and has for several years. She is arrested for possession of a firearm within the city where she lives. The day following her arrest, the city passes a law making gun ownership of any kind illegal and punishable by a year in jail for the first offense. Julie is sentenced to one year and a day in prison. The goals of the law include all of the following except to:

55. The goals of the law include all of the following except to:

- a. rehabilitate.
- b. punish.
- c. deter.
- d. inconvenience.

ANSWER: d

Julie owns a gun and has for several years. She is arrested for possession of a firearm within the city where she lives. The day following her arrest, the city passes a law making

gun ownership of any kind illegal and punishable by a year in jail for the first offense. Julie is sentenced to one year and a day in prison. The constitutional guarantee that criminal arrests and trials must meet certain minimum standards of fairness is the definition of:

56. The constitutional guarantee that criminal arrests and trials must meet certain minimum standards of fairness is the definition of:

- a. due process.
- b. bill of attainder.
- c. void of vagueness doctrine.
- d. overbreadth doctrine.

ANSWER: a

Julie owns a gun and has for several years. She is arrested for possession of a firearm within the city where she lives. The day following her arrest, the city passes a law making gun ownership of any kind illegal and punishable by a year in jail for the first offense. Julie is sentenced to one year and a day in prison. If the language of a statute or ordinance is vague, it may be held unconstitutional under the:

57. If the language of a statute or ordinance is vague, it may be held unconstitutional under the:

- a. due process clause.
- b. bill of attainder clause.
- c. void for vagueness doctrine.
- d. overbreadth doctrine.

ANSWER: c

Julie owns a gun and has for several years. She is arrested for possession of a firearm within the city where she lives. The day following her arrest, the city passes a law making gun ownership of any kind illegal and punishable by a year in jail for the first offense. Julie is sentenced to one year and a day in prison. The Supreme Court held that the ____ Amendment protected an individual's right to own and possess firearms, at least under federal criminal laws.

58. The Supreme Court held that the ____ Amendment protected an individual's right to own and possess firearms, at least under federal criminal laws.

- a. First
- b. Second
- c. Fourth
- d. Sixth

ANSWER: b

Julie owns a gun and has for several years. She is arrested for possession of a firearm within the city where she lives. The day following her arrest, the city passes a law making gun ownership of any kind illegal and punishable by a year in jail for the first offense. Julie is sentenced to one year and a day in prison. In enacting criminal law, the state must be

able to show all of the following except:

59. In enacting criminal law, the state must be able to show all of the following except:

- a. a compelling public need.
- b. that the law does not contravene the US Constitution.
- c. that the language of the statute or ordinance clearly tells people what they are not to do.
- d. that the public really wants the law.

ANSWER: d

Julie owns a gun and has for several years. She is arrested for possession of a firearm within the city where she lives. The day following her arrest, the city passes a law making gun ownership of any kind illegal and punishable by a year in jail for the first offense. Julie is sentenced to one year and a day in prison. ____ is the professional and scientific discipline directed to the recognition, identification, individualization, and evaluation of physical evidence by application of the natural sciences.

60. ____ is the professional and scientific discipline directed to the recognition, identification, individualization, and evaluation of physical evidence by application of the natural sciences.

- a. Forensic science
- b. Criminology
- c. Scientific method
- d. Theory-based inquiry

ANSWER: a

Completion

61. Law enforcement agencies are found in the _____ branch of government.

ANSWER: executive

62. The area of the civil law that is closest to the criminal law is _____ law.

ANSWER: tort

63. The equal protection clause is found in the _____ Amendment.

ANSWER: Fourteenth

64. A statute which is unclear, ambiguous and uncertain may violate the doctrine of void for _____.

ANSWER: vagueness

65. A legislative act that inflicts punishment without a trial is called a bill of _____.

ANSWER: attainder

66. A _____ asks the US Supreme Court to review the decision of a lower court.

ANSWER: writ of certiorari

67. The ban on cruel and unusual punishment is found in the _____ Amendment.

ANSWER: Eighth

68. One of the generally recognized goals of the criminal justice system is to ____ people who have committed crimes.

ANSWER: punish

69. If being a diabetic was a crime, it would be classified as a ____ crime.

ANSWER: status

70. The document signed by King John in 1215 giving certain rights to his nobles is the _____.

ANSWER: Magna Carta

71. A statute which is unclear, ambiguous and uncertain may violate the doctrine of void for _____.

ANSWER: vagueness

72. The most serious grade of crime, which usually includes the possibility of a prison sentence, is a ____.

ANSWER: felony

73. Law enforcement agencies are found within the ____ branch of government and are charged with the enforcement of criminal laws, in addition to the performance of other duties.

ANSWER: executive

74. An offense that carries punishment of a degree less than a felony, and usually does not involve a prison sentence, is a ____.

ANSWER: misdemeanor

75. Criminal law made retroactive to punish prior conduct not criminal when done is called _____.

ANSWER: ex post facto

Essay

76. Discuss some of the differences that result depending upon whether a crime is classified as a felony or a misdemeanor.

ANSWER: N/A

77. Compare and contrast public law and private law. What are the differences between criminal law and tort law?

ANSWER: N/A

78. Compare and contrast reasons why a person might commit a crime as opposed to reasons why a person might not commit a crime.

ANSWER: N/A

79. Describe the following general constitutional limitations on criminal laws: Due Process, "Void for Vagueness", and the Overbreadth Doctrine.

ANSWER: N/A

80. Discuss the meaning of police power.

ANSWER: N/A

81. Explain how English common law developed. Trace the history of the common law in the United States. Where are most of today's laws defined?

ANSWER: N/A

82. Compare and contrast the four main goals or purposes of the criminal justice system.

ANSWER: N/A

83. Identify the three branches of government. Describe the responsibilities of each of the branches regarding the criminal law.

ANSWER: N/A

84. Discuss the general limitations on the exercise of police power. Relate the Tenth Amendment to police power.

ANSWER: N/A

85. What is the meaning of nulla poena sine lege? How does it limit the police power of the state?

ANSWER: N/A