

Student name: _____

Criminal law is distinguished from all other law because

other types of law, such as civil law, seek to regulate acts that are contrary to the community interest of the social or government unit.

criminal law seeks to regulate acts that are contrary to the community interest of the social or government unit.

criminal law seeks to influence and protect the public from obvious and egregious moral wrongs.

other types of law, such as civil law, impose sentences for crimes committed.

The common law in today's modern criminal justice system

defines nearly all the crimes covered in criminal law statutes in all jurisdictions.

takes precedence over statutory law in many jurisdictions.

is usually preferred since statutory law is overly vague.

is a predecessor of today's statutory criminal law.

Many states' modern criminal laws are codifications of the common law crimes, and when there is a question of statutory meaning, the courts

look to the common law definitions to help in understanding the term in question.

revert to the common law definitions and punishments, since they are easier to apply.

revert to the common law punishments, except for those involving the death sentence.

consider the common law definitions only after exhausting all other means.

According to the text, the establishment of the American Law Institute (ALI) was a result of political rivalries and power struggles.

a desire to revive common law.

a quest for a newer, more flexible common law.

general dissatisfaction with the American criminal law.

Since the Civil War, federal criminal law has expanded to overlap areas that previously were within the exclusive province of the states. shrunk in its influence, leaving states' rights relatively free. taken over many states' rights, such as the control of state senates. maintained approximately the same influence as before.

The utilitarian legal philosopher Jeremy Bentham reorganized the law of crimes according to the convention of the day.

general will of the people.
views of those in power.
amount of social harm they caused.

The Model Penal Code (MPC) is a comprehensive recodification of the principles of _____, civil infractions
criminal responsibility
parole violations
probation infringements

_____ is one of the four basic police functions.
Pre-sentence reports
Post-investigation
Prevention

Court decorum

_____ is the power or authority of a court to act with respect to any case before it.

Sentencing

Recognizance

Habeas corpus

Jurisdiction

Which of the following is a basis for appeal of a criminal conviction on substantive grounds?

The jury was improperly instructed.

Procedural and evidential errors were committed by the trial courts.

The accused was convicted of murder.

All of the necessary elements of the crime were alleged.

Legality holds that no one can be punished for an act that was not defined as criminal before the person did the act.

true

false

The fundamental structure of the American criminal justice system consists of law enforcement agencies, prosecution and defense attorneys, courts, and correctional institutions and agencies.

true

false

The court preparation function of police involves testifying at hearings and trial and presenting the evidence in an effort to convict the perpetrator.

true

false

The purpose of a preliminary hearing is for a judge to determine whether there is probable cause for the accused to answer to the crime charged.

true

false

There are at least eight bases for a defendant's pretrial motion to dismiss.

true

false

Law is a rule of conduct or procedure established by custom, agreement, or authority.

true

false

Parole supervision is similar to probation supervision in that both are agencies of the state correctional system rather than the court system.

true

false

In the case of a trial by jury, the actual trial process begins with arraignment and plea.

true

false

Most citizens in the United States understand that the concept of law consists of all of the following *except*

the known decisions of the courts of the federal and state governments.

the ability to impose statutes upon those who commit crimes against Americans anywhere.

federal, state, or local enactments of legislative bodies.

rules and regulations proclaimed by administrative bodies.

Unlike most cultures, _____ is central to the American culture.

common law

case law

ancient law

religious law

All criminal law is _____; that is, crimes are defined by the legislatures of the states and the federal government.

common law

case law

statutory law

discretionary law

The American criminal law is refined and redefined by the

U.S. Congress and state legislatures.

attorneys who interpret the U.S. Constitution.

President and state senates.

executive branch of the government.

Although modern criminal law is essentially statutory, the role of the courts is still required because

common law is still used for the most frequently committed offenses, so judges must review each of these cases individually.

common law takes precedence over statutory law in many jurisdictions, and the two systems often compete.

criminal statutes often contain vague or general language that requires courts to interpret a statute's meaning when applied to a particular case.

criminal statutes do not include any sentencing guidelines; therefore, a judge is needed to provide the appropriate punishments.

Much of the reform of English and American criminal law was influenced by_____.

the American Law Institute (ALI)

Jeremy Bentham, the utilitarian legal philosopher

King George III

the U.S. Supreme Court

The principle of _____ is a core concept of the American system of criminal justice.

culpability

individual freedom

legality

mens rea

For which of the following subjects would the U.S. Congress use its power to pass legislation by employing clause of Article I, Section 8 of the Constitution?

using the mails for defrauding

piracy

counterfeiting

crimes against the law of nations

The principal purpose of the criminal law is to

prevent and control crime.

punish offenders.

attract attention toward criminals.

enforce peace through strict laws.

Generally, the criminal law seeks to sanction only those persons who voluntarily commit an unlawful act (*actus reus*)

before or after having an appropriate guilty mental state (*mens rea*), even with excuse or justification.

accompanied by the appropriate guilty mental state (*mens rea*), even with excuse or justification.

accompanied by the appropriate guilty mental state (*mens rea*) without involving an excuse or a justification.

before or after having an appropriate guilty mental state (*mens rea*) without involving an excuse or a justification.

The _____ distinguishes criminal law from other law.

use of plaintiffs instead of prosecutors

imposition of punishment for its violation

emphasis on private concerns between individuals

lack of appropriate legal safeguards for defendants

The term _____ refers to a promise to appear in court.

bail

parole

bond

recognizance

Some of the colonies established in America adopted England's _____.

reform movement

common law

system of torts

Napoleonic law

The criminal process most often begins with a(n) _____.

arrest

indictment

conviction

acquittal

Beginning in the 1960s and as refined in recent years, the U.S. Constitution requires that a defendant who is actually incarcerated in jail or prison is entitled to _____.

an immediate hearing

monetary assistance

an attorney

bail

Which of the following is a post-conviction procedure?

investigation

recognizance

sentencing

plea bargaining

Identify a true statement about plea bargaining.

In this process, a jury decides whether there is probable cause to prosecute the accused.

It is a procedure where the defendant appears in court to respond formally to the charges against him or her.

It is a process that helps expedite the justice system by enabling the courts to avoid a lengthy trial.

In this procedure the defendant challenges the validity of an indictment by moving to dismiss the charges.

Which of the following statements is true of *habeas corpus* as a post-conviction relief procedure?

The *habeas corpus* petition is a legal recourse that is part of a criminal case.

This petition is brought by a person in prison who has exhausted all of the usual appellate remedies.

A person in state prison is prohibited from obtaining such relief in a federal district court.

Only a single *habeas corpus* petition can be filed, even if a defendant raises new grounds.

When a grand jury charges a person with a crime, it does so by issuing a(n) _____.

bond

sentence

information

indictment

Which of these agencies are *not* a part of the department of Homeland Security?

the Central Intelligence Agency

the Secret Service

Immigrations and Customs Enforcement (ICE)

the Federal Emergency Management Agency (FEMA)

Generally, a person in state prison is only allowed to file one *habeas corpus* petition; in what situation can a petitioner file a second one or successive petitions?

when the Supreme Court revokes a precedent

when there is newly discovered evidence in the case

when the person in prison has a new argument they desire to make

at any time since Congress enacted the Anti-Terrorism and Effective Death Penalty Act (AEDPA)

As per the law, all immoral actions are illegal and all illegal actions are immoral.

true

false

The English common law is the base upon which the United States based its framework of criminal law.

true

false

American statutory law replaced common law to meet citizens' needs and is created through the state and federal legislatures.

true

false

The Model Penal Code (MPC) is a comprehensive recodification of the principles of criminal responsibility and is mandatory in all 50 states.

true

false

In the case of felonies, a law enforcement officer only needs reasonable suspicion to believe that a person has committed a crime before arresting the suspect.

true

false

An information, through which a felony is charged, is a piece of paper filed and signed by the prosecutor.

true

false

According to the double jeopardy protections under the Fifth Amendment, the justice system cannot try a defendant more than once for the same crime.

true

false

As of June 2019, there has been a successful campaign to enact legislation that restricts access to abortions.

true

false

What are the historical roots of American common law?

Explain the principle of legality.

Give a detailed description of the Model Penal Code (MPC).

What distinguishes criminal law from all other law?

List and describe the four basic police functions.

Answer Key

Test name: Ch1_Criminal Law for the Criminal Justice Professional_2025

B

D

A

D

A

D

B

C

D

A

TRUE

TRUE

TRUE

TRUE

FALSE

TRUE

FALSE

FALSE

B

D

C

A

C

B

C

A

A

C

B

D

B

A

C

C

C

B

D

A

B

FALSE

TRUE

TRUE

FALSE

FALSE

TRUE

TRUE

TRUE

Short Answer

Short Answer

Short Answer

Short Answer

Short Answer

Short Answer