

***Principles of Criminal Law, 7e (Roberson/O'Reilly)***  
**Chapter 1 Sources of Criminal Law**

1.1 Multiple Choice Questions

1) The concept of crime includes:

- A) conduct that has been prohibited by a statutory code.
- B) conduct which subjects the offender to punishment.
- C) conduct which is criminal in nature.
- D) Both A and B.

Answer: D

Page Ref: 5

Objective: The origins of criminal law.

Level: Basic

2) Which of the following are mala in se crimes?

- A) Rape, insider trading, and drunk driving.
- B) Speeding, drunk driving, and theft.
- C) Rape, murder, and theft.
- D) Insider trading, corporate pollution of the environment, and political crimes.

Answer: C

Page Ref: 7-8

Objective: The principles of criminal responsibility.

Level: Intermediate

3) Mala prohibita crimes are crimes such as:

- A) insider trading.
- B) speeding.
- C) illegal parking.
- D) All of the above.

Answer: D

Page Ref: 8

Objective: The classification of crimes.

Level: Intermediate

4) The majority of our states classify crime as:

- A) misdemeanors and felonies.
- B) infractions and misdemeanors.
- C) fines and misdemeanors.
- D) imprisonment and fines.

Answer: A

Page Ref: 8

Objective: The principles of criminal responsibility.

Level: Basic

- 5) Which of the following is not a necessary step in establishing administrative crimes?
- A) The legislative delegation of authority must be limited and contain sufficient standards to guide the actions of the agency.
  - B) The agency rules must be explicit and within the standards established by the agency.
  - C) A superior court judge must rule on the constitutionality of any administrative crime.
  - D) The agency must operate within the specific guidelines established by the legislature.

Answer: C

Page Ref: 9

Objective: Police powers of the government.

Level: Intermediate

- 6) Which of the following is not an example of private laws?

- A) Family laws.
- B) Real property laws.
- C) Speeding laws.
- D) Probate laws.

Answer: C

Page Ref: 10

Objective: The classification of crimes.

Level: Intermediate

- 7) Which of the following is not an example of public laws?

- A) Vehicle codes.
- B) Criminal codes.
- C) Family laws.
- D) Public health laws.

Answer: C

Page Ref: 10

Objective: The principles of criminal responsibility.

Level: Intermediate

- 8) Which of the following is not an example of case law?

- A) The ruling by a state appellate court on a state law.
- B) The ruling by a federal appellate court on a state law.
- C) In response to a court ruling, the state legislature amends a statute.
- D) The ruling by a state supreme court on a state law.

Answer: C

Page Ref: 10

Objective: The importance of case law.

Level: Intermediate

9) Which of the following is an example of a mandatory precedent for Arizona trial courts?

- A) An Arizona appellate court issues a ruling on an Arizona law.
- B) An Arizona appellate court issues a ruling on a California law.
- C) An Arizona trial court holds that an Arizona law is unconstitutional.
- D) Both A and C.

Answer: A

Page Ref: 11

Objective: The importance of case law.

Level: Basic

10) Which of the following may be considered persuasive precedent for a California trial court?

- A) A ruling by the California Supreme Court.
- B) A ruling by the Arizona Supreme Court.
- C) A ruling by the United States Supreme Court.
- D) Both A and C.

Answer: B

Page Ref: 11

Objective: The importance of case law.

Level: Intermediate

11) Which of the following is not a reason behind the designating of certain acts as crimes?

- A) To safeguard property rights.
- B) To protect public health.
- C) To extract revenge.
- D) To maintain public order.

Answer: C

Page Ref: 6

Objective: The principles of criminal responsibility.

Level: Intermediate

12) Which of the following is a reason for making certain acts criminal?

- A) It is politically sensitive.
- B) It is not economically feasible.
- C) It is to protect the public health.
- D) The act would be unpopular with the voters.

Answer: C

Page Ref: 11

Objective: Police powers of the government.

Level: Intermediate

13) Which of the following is not a reason why we punish?

- A) To compensate the victim.
- B) For revenge.
- C) To incapacitate the offender.
- D) For rehabilitation.

Answer: A

Page Ref: 3

Objective: The classification of crimes.

Level: Intermediate

14) Which of the following is a key principle of criminal responsibility?

- A) A person is not responsible for the acts of another.
- B) The joinder of the criminal act and the criminal intent.
- C) Crimes are enacted to extract revenge on wrongdoers.
- D) Morals drive American criminal laws.

Answer: B

Page Ref: 5

Objective: The principles of criminal responsibility.

Level: Intermediate

15) Which of the following is not a moralistic influence on criminal law?

- A) Norms.
- B) Customs.
- C) Common law.
- D) Folkways.

Answer: C

Page Ref: 6

Objective: The principles of criminal responsibility.

Level: Intermediate

16) Which of the following is the most serious classification of crime?

- A) Treason.
- B) Infraction.
- C) Misdemeanor.
- D) Felony.

Answer: A

Page Ref: 8

Objective: The classification of crimes.

Level: Basic

17) Most jurisdictions use this as the distinguishing factor between felonies and misdemeanors:

- A) length of incarceration.
- B) character of the offense.
- C) place of incarceration.
- D) common law classifications.

Answer: C

Page Ref: 8

Objective: The classification of crimes.

Level: Basic

18) A tort is the violation of a private interest of:

- A) the victim.
- B) the state.
- C) the people.
- D) the government.

Answer: A

Page Ref: 10

Objective: The classification of crimes.

Level: Basic

19) The principle of stare decisis developed from:

- A) common law.
- B) criminal law.
- C) case law.
- D) civil law.

Answer: A

Page Ref: 11

Objective: The classification of crimes.

Level: Basic

20) The "Necessary and Proper Clause" of the United States Constitution grants Congress the power to:

- A) make criminal laws.
- B) impose general police powers.
- C) regulate commerce between the states.
- D) exercise legislative authority over the District of Columbia and federal territories.

Answer: C

Page Ref: 14

Objective: The classification of crimes.

Level: Basic

21) A crime normally punished by only a fine is:

- A) a misdemeanor.
- B) a infraction.
- C) a felony.
- D) a folkway.

Answer: B

Page Ref: 9

Objective: The principles of criminal responsibility.

Level: Basic

22) Factors to be considered in imposing a sentence, according to U.S. Code, do not include:

- A) the kinds of sentences available.
- B) the nature and circumstances of the offense.
- C) the need for societal retribution against the defendant.
- D) the need for adequate deterrence of the conduct.

Answer: C

Page Ref: 16

Objective: The principles of criminal responsibility.

Level: Intermediate

23) Criminal law reform is driven by the desire to:

- A) codify and clarify the law.
- B) re-define criminal behavior daily.
- C) answer to political pressure.
- D) unite moral and social beliefs by the legislature.

Answer: A

Page Ref: 12

Objective: The principles of criminal responsibility.

Level: Basic

24) For something to be considered a crime, what must exist to define it?

- A) A statute.
- B) An ordinance.
- C) A regulation.
- D) All of the above.

Answer: D

Page Ref: 2

Objective: The origins of criminal law.

Level: Intermediate

25) The common law legal system exists in what portion of countries in the world?

- A) About half.
- B) In England and the North America.
- C) Nearly all.
- D) It's the predominant system in the world today.

Answer: B

Page Ref: 3

Objective: The development of common law.

Level: Basic

## 1.2 True/False Questions

1) Punishment includes the suffering imposed on a defendant by an agent of the government pursuant to the authority given that agent by reason of the defendant's criminal conviction.

Answer: TRUE

Page Ref: 15

Objective: The definition of the term crime.

Level: Basic

2) Mala in se crimes are those acts that are not only crimes but are considered morally wrong.

Answer: TRUE

Page Ref: 8

Objective: The classification of crimes.

Level: Basic

3) Mala prohibita crimes are those that are generally considered as morally wrong and are considered criminal in nature.

Answer: FALSE

Page Ref: 8

Objective: The principles of criminal responsibility.

Level: Basic

4) In many states infractions are considered the lowest level of criminal activity.

Answer: TRUE

Page Ref: 8

Objective: The classification of crimes.

Level: Basic

5) Private laws deal with relationships between people where the government has only an indirect interest.

Answer: TRUE

Page Ref: 10

Objective: The classification of crimes.

Level: Basic

6) Public laws are those laws in which the government has a direct interest in relationships and acts between people.

Answer: TRUE

Page Ref: 10

Objective: The classification of crimes.

Level: Basic

7) Case law is the phrase used to indicate appellate court interpretation of the law.

Answer: TRUE

Page Ref: 10

Objective: The importance of case law.

Level: Basic

8) Case law assists in clarifying and narrowing laws enacted by the legislature.

Answer: TRUE

Page Ref: 10

Objective: The importance of case law.

Level: Basic

9) A core function of criminal law is to punish.

Answer: TRUE

Page Ref: 15

Objective: The origins of criminal law.

Level: Basic

10) The theory of punishment for retribution focuses on revenge.

Answer: TRUE

Page Ref: 15

Objective: The principles of criminal responsibility.

Level: Basic

11) As a rule, moral and ethical standards are lower than the standards required by criminal law.

Answer: FALSE

Page Ref: 6

Objective: The origins of criminal law.

Level: Basic

12) Fishing without a license is an example of a mala prohibita crime.

Answer: TRUE

Page Ref: 8

Objective: The classification of crimes.

Level: Basic

13) Procedural criminal law establishes crimes and proscribes punishments.

Answer: FALSE

Page Ref: 6

Objective: The development of common law.

Level: Basic

14) Felonies and misdemeanors are often divided into categories/classes that represent differing levels of punishment.

Answer: TRUE

Page Ref: 8

Objective: The classification of crimes.

Level: Basic

15) Only legislative bodies may create new crimes.

Answer: FALSE

Page Ref: 14

Objective: The origins of criminal law.

Level: Intermediate

16) The same act may be both a tort and a crime.

Answer: TRUE

Page Ref: 10

Objective: The principles of criminal responsibility.

Level: Basic

17) Common law is the law of courts.

Answer: FALSE

Page Ref: 5

Objective: The development of common law.

Level: Basic

18) The doctrine of case law (guiding precedent) developed from the common law.

Answer: TRUE

Page Ref: 11

Objective: The origins of criminal law.

Level: Basic

19) Economics and voter apathy are common issues in the consideration of new criminal laws.

Answer: TRUE

Page Ref: 12

Objective: The origins of criminal law.

Level: Basic

20) Criminal law is in a constant state of change.

Answer: TRUE

Page Ref: 12

Objective: The origins of criminal law.

Level: Basic

21) Moral acceptability is central in defining crime.

Answer: FALSE

Page Ref: 2

Objective: The principles of criminal responsibility.

Level: Basic

22) All common law crimes are mala in se crimes.

Answer: TRUE

Page Ref: 6

Objective: The origins of criminal law.

Level: Basic

23) Stare decisis is the practice of adhering to established precedents.

Answer: TRUE

Page Ref: 11

Objective: The importance of case law.

Level: Basic

24) Common law crimes are typical in each state.

Answer: FALSE

Page Ref: 6

Objective: The development of criminal law.

Level: Basic

25) The Code of Hammurabi is the basis for Civil Law legal systems.

Answer: FALSE

Page Ref: 3

Objective: The principles of criminal responsibility.

Level: Intermediate

### 1.3 Short Answer Questions

1) The American Law Institute, a nonprofit organization sponsored by the American \_\_\_\_\_ Association, drafted the Model Penal Code (MPC).

Answer: Bar

Page Ref: 12

Objective: The principles of criminal responsibility.

Level: Basic

2) What acts constitute crimes changes as the result of changes in \_\_\_\_\_?

Answer: society

Page Ref: 12

Objective: The origins of criminal law.

Level: Basic

3) The Model Penal Law was developed by lawyers, judges, and \_\_\_\_\_.

Answer: scholars

Page Ref: 12

Objective: The origins of criminal law.

Level: Intermediate

4) The purposes of punishment may include rehabilitation, incapacitation, retribution, and \_\_\_\_\_.

Answer: deterrence

Page Ref: 2

Objective: The origins of criminal law.

Level: Basic

5) The theory of punishment for \_\_\_\_\_ purposes is different from the other theories in that its goal is to take revenge on the individual rather than to reform an offender or restrain the would-be criminal.

Answer: retribution

Page Ref: 3

Objective: The principles of criminal responsibility.

Level: Intermediate

6) There are two types of deterrence: general and \_\_\_\_\_.

Answer: specific

Page Ref: 3

Objective: The origins of criminal law.

Level: Basic

7) The study of criminal law is a study of crimes, moral principles, and \_\_\_\_\_ law.

Answer: common

Page Ref: 1

Objective: The origins of criminal law.

Level: Intermediate

8) A simple definition is that a crime is any act that has been so designated by the \_\_\_\_\_.

Answer: lawmakers

Page Ref: 2

Objective: The origins of criminal law.

Level: Basic

9) Crime is defined as conduct that has been prohibited by \_\_\_\_\_ and that subjects the offender to criminal punishment.

Answer: law

Page Ref: 2

Objective: The origins of criminal law.

Level: Basic

10) The one characteristic that differentiates criminal law from civil law is \_\_\_\_\_.

Answer: punishment

Page Ref: 2

Objective: The origins of criminal law.

Level: Basic

11) The criminal law of a state includes not only the statutes that designate certain types of conduct as crimes, but also a body of principles that help us to decide under what circumstances individuals should be considered criminally \_\_\_\_\_ for their conduct.

Answer: responsible

Page Ref: 3

Objective: The principles of criminal responsibility.

Level: Intermediate

12) The requirement for joinder of intent and \_\_\_\_\_ is necessary to constitute a crime.

Answer: act

Page Ref: 5

Objective: The origins of criminal law.

Level: Basic

13) Criminal statutes are in general a reflection of our moral \_\_\_\_\_.

Answer: codes

Page Ref: 6

Objective: The origins of criminal law.

Level: Intermediate

14) The Supreme Court, in, United States v. \_\_\_\_\_ held that Congress could delegate to an administrative agency the power to make regulations that may be enforced by criminal penalties.

Answer: Grimaud

Page Ref: 9

Objective: The importance of case law.

Level: Intermediate

15) A private airplane pilot may be subject to criminal penalties for violation of the Federal Aviation Administration's \_\_\_\_\_.

Answer: regulations

Page Ref: 9

Objective: The importance of case law.

Level: Intermediate

16) A wrong that violates a private interest is generally a \_\_\_\_\_.

Answer: tort

Page Ref: 10

Objective: The principles of criminal responsibility.

Level: Basic

17) A person may be acquitted in criminal court yet found liable in a \_\_\_\_\_ court for the same act.

Answer: civil

Page Ref: 10

Objective: The principles of criminal responsibility.

Level: Basic

18) A term used to indicate appellate court decisions is \_\_\_\_\_ law.

Answer: case

Page Ref: 10

Objective: The importance of case law.

Level: Basic

19) A court decision on a code provision may interpret its \_\_\_\_\_ and effect.

Answer: cope

Page Ref: 11

Objective: The importance of case law.

Level: Intermediate

20) The primary source of criminal law is \_\_\_\_\_ acts.

Answer: legislative

Page Ref: 11

Objective: The sources of criminal law.

Level: Basic

## 1.4 Matching Questions

Match words with associated meaning, concepts, issues or principles

- A) Behaviors that arouse intense feelings.
- B) Generally considered the most serious crime.
- C) Based on the principle that punishment should help the criminal to restore his or her useful life.
- D) to punish wrong doers
- E) The rationale for punishment based on denying the criminal the opportunity to commit other crimes.
- F) Was developed from the customs of the people.
- G) Violations of which do not involve feelings of disgust.
- H) Punishment may include a prison sentence.
- I) The authority of the government to enact legislation to protect public health.
- J) Stands decided.

1) Core function of criminal law

Page Ref: 15

Level: Basic

2) Incapacitation

Page Ref: 15

Level: Basic

3) Rehabilitation

Page Ref: 15

Level: Basic

4) Folkways

Page Ref: 7

Level: Basic

5) Treason

Page Ref: 8

Level: Basic

6) Common law

Page Ref: 9

Level: Basic

7) Stare Decisis

Page Ref: 11

Level: Basic

8) Police power  
Page Ref: 13  
Level: Basic

9) Felony  
Page Ref: 8  
Level: Basic

10) Mores  
Page Ref: 5  
Level: Basic

Answers: 1) D 2) E 3) C 4) G 5) B 6) F 7) J 8) I 9) H 10) A

### 1.5 Essay Questions

1) What is the police power of a government?

Answer: The police power of a government is the authority of that government to enact legislation to protect the public health, safety, order, welfare, and morality. Under the U.S. system of federalism, the police power of government is primarily vested in the state legislatures.

Page Ref: 14

Objective: Police powers of the government.

Level: Basic

2) What is meant by the phrase persuasive precedent?

Answer: Persuasive precedent means that, although a court decision is not legally binding on a second court, its analysis may be persuasive.

Page Ref: 11

Objective: The importance of case law.

Level: Basic

3) Why has American criminal law been described as "English in heritage and judicial in its origin?"

Answer: Our present criminal codes grew out of custom, tradition, and actual written codes. Our criminal law was in large measure adopted from the English common law, which was first recorded by judges. Today, however, criminal law is formulated by the legislatures rather than judges.

Page Ref: 3

Objective: The origins of criminal law.

Level: Basic

4) Define the term "crime."

Answer: A simple definition is that a crime is any act that has been so designated by the lawmakers. Crime is conduct that has been prohibited by law and that subjects the offender to criminal punishment.

Page Ref: 2

Objective: The principles of criminal responsibility.

Level: Basic

5) What is the purpose of punishment?

Answer: There is a lack of agreement, however, on the purposes of punishment, which may include rehabilitation, incapacitation, retribution, and deterrence.

Page Ref: 15

Objective: The principles of criminal responsibility.

Level: Basic

6) What is meant by the phrase "principles of criminal responsibility?"

Answer: The principles of criminal responsibility determine which acts will be considered criminal and under what circumstances the law will excuse an otherwise criminal act.

Page Ref: 5

Objective: The principles of criminal responsibility.

Level: Intermediate

7) Why are moral standards generally higher than standards set by criminal statutes?

Answer: This is since our moral and ethical codes attempt to establish perfect personal character, whereas the criminal codes tend to establish minimal levels of conduct.

Page Ref: 5

Objective: The principles of criminal responsibility.

Level: Basic

8) What are the established guidelines for delegating the authority to establish administrative crimes?

Answer: The legislative delegation of authority must be limited and contain sufficient standards to guide the actions of the agency. The agency must operate within the specific guidelines established by the legislature. The agency rules must be explicit and unambiguous and within the standards established by the legislature.

Page Ref: 9

Objective: Police powers of the government.

Level: Intermediate

9) What are the differences between torts and crimes?

Answer: Not all legal wrongs are crimes. Private wrongs are usually considered either a tort or a breach of contract. A crime is a public wrong, since it involves the violation of the peace and dignity of the state. In theory, it is committed against the interest of all of the people of the state. Accordingly, crimes are prosecuted in the name of the "State," the "People," or the "Commonwealth."

Page Ref: 10

Objective: The principles of criminal responsibility.

Level: Basic

10) Currently most criminal statutes in the various states are enacted by?

Answer: State legislatures, U.S. Congress, and administrative bodies.

Page Ref: 11

Objective: The origins of criminal law.

Level: Basic

## 1.6 Critical Thinking Questions

1) Why does the federal government not possess plenary legislative authority over the states?

Answer: Under our system of federalism, the U.S. Constitution enumerates certain powers that it grants to the U.S. Congress. The U.S. Congress is also granted certain implied powers by the "Necessary and Proper Clause" of Article I, Section 8, of the U.S. Constitution. While the implied powers expand the legislative authority of the Congress, they do not confer on Congress the general police powers that are possessed by the states.

Page Ref: 14

Objective: The classification of crimes.

Level: Intermediate

2) Explain the differences between moral standards and the standards required by our criminal laws.

Answer: While the criminal statutes are in general a reflection of our moral codes and values, there is often a difference between what is morally wrong and what is legally prohibited. Many acts that are considered criminal may not be morally wrong.

Page Ref: 6

Objective: The principles of criminal responsibility.

Level: Intermediate