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Name:_____ Class:_____ Date:_____

Chapter 01 - Criminal Law: Purposes, Scope, and Sources

1. An *ex post facto* law is a law that:
   a. makes conduct before the enactment of the law a criminal violation.
   b. criminalizes a status such as homelessness or addiction.
   c. is derived from common law.
   d. contains a sentencing enhancement.

ANSWER: a

2. Criminal laws that punish a status, such as drug addiction, with no act requirement are referred as:
   a. inchoate crimes.
   b. attempted crimes.
   c. victimless crimes.
   d. status crimes.

ANSWER: d

3. What kind of law establishes the standards necessary to preserve public order and protect property rights?
   a. Substantive criminal law
   b. Procedural criminal law
   c. Administrative law
   d. Tort law

ANSWER: a

4. Laws are enacted by which branch of government?
   a. The judicial branch
   b. The executive branch
   c. The legislative branch
   d. The democratic branch

ANSWER: c

5. The "prior notice" doctrine requires that fair warning be given in what kind of language?
   a. Language that an ordinary person would understand
   b. Language derived from case law related to the issue being considered
   c. Legal language that includes the precedent for the statute
   d. Language consistent with the common law

ANSWER: a

6. Status crimes differ from other types of crimes because they:
   a. are attempted but not completed.
   b. criminalize a status and not an action.
   c. are not punishable by jail or prison.
   d. are retroactive in nature.

ANSWER: b

7. What is one factor that would prevent a person from committing a crime?
   a. Fear of arrest and punishment

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b. A compelling desire to achieve the illegal objective
c. Insufficient moral commitment to the law
d. Belief that detection can be avoided

ANSWER: a

8. Police power is the inherent power of every state and local government, subject to constitutional limits, to:
a. enact criminal laws.
b. arrest suspected offenders.
c. conduct judicial reviews when laws are questioned.
d. punish convicted offenders.

ANSWER: a

9. The "supreme law of the land" in the United States can be found in what document?
a. The United States Constitution
b. The Declaration of Independence
c. The Magna Carta
d. The United States Penal Code

ANSWER: a

10. Which of the following is true regarding common law?
a. All states and the federal government have abolished common law crimes.
b. All states have abolished common law, but the federal government hasn't.
c. All states have maintained common law, but it has been abolished by the federal government.
d. A few states have maintained common law, but it has been abolished by the majority of states and the federal government.

ANSWER: d

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 U.S. 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. Before the burden of maintaining public order and public safety shifted to local, state, and federal governments, these tasks were the responsibility of:

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a. the community, family, and militia.
b. Congress, elected officials, and the military.
c. members of the community and organized vigilante groups.
d. religious institutions, the community, and the family.

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. Violations of criminal law are always punishable, while violations of moral law are not.
c. Moral law attempts to correct behavior, while criminal law attempts to perfect personal character.
d. Laws are strongest when they are not based on moral law

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

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c. Overbreadth doctrine
d. Common law

ANSWER: d

20. The determination of whether a violation of the administrative crime has occurred is made by:
a. a state court with proper jurisdiction.
b. the administrative agency.
c. a federal trial court.
d. the legislature with jurisdiction.

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. substantive law.
b. common law.
c. contractual issues.
d. torts.

ANSWER: a

23. The substantive criminal law:
a. defines the standards of conduct for the protection of the community.
b. is an important branch of private law.
c. is no longer followed in the U.S.
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 from friends and family
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 property.
c. a public wrong against property.
d. a civil violation of a contract.

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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. What is the Latin maxim for "no punishment without law for it"?
    a. *ex post facto*
    b. *habeas corpus*
    c. *nulla poena sine lege*
    d. *writ of certiorari*

ANSWER: c

28. All of the following are generally recognized goals of the criminal justice system, except:
    a. discouraging people from committing crimes.
    b. protecting society from dangerous people.
    c. punishing people who have committed crimes.
    d. helping 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 U.S. and State Constitutions.

ANSWER: d

30. The *Ex Post Facto* Clause forbids all of the following, except:
    a. laws made retroactive to make conduct before the enactment of the law illegal.
    b. laws that inflict punishment retroactively without a trial.
    c. laws that aggravate a crime retroactively.
    d. laws that increase the punishment for a crime retroactively.

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

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Chapter 01 - Criminal Law: Purposes, Scope, and Sources

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. Which Amendment of the U.S. Constitution provides every state and local government, subject to constitutional limits, the power to enact criminal laws?
    a. The Tenth Amendment
    b. The Second Amendment
    c. The Fourteenth Amendment
    d. The Fifth Amendment

ANSWER: a

34. Which of the following is true regarding the three branches of government?
    a. Statutes are created by the executive branch of government.
    b. People charged with a crime are tried by the judicial branch of government.
    c. The executive branch of government is charged with the enforcement of laws.
    d. The judicial branch of the government has the power of judicial review.

ANSWER: a

35. A statute making heroin addiction, by itself, a crime would most likely:
    a. be upheld by the U.S. 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 the vagueness doctrine
    d. Overbreadth doctrine

ANSWER: d

37. The equal protection clause 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

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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*, requires that:
    a. no crime should be made criminal without advance warning in the form of a legislative act.
    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 that outlaws it.

ANSWER: a

41. Scott is arrested for selling drugs. He is arraigned in a 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.
    a. legislative
    b. judicial
    c. executive
    d. state

ANSWER: c

42. Scott is arrested for selling drugs. He is arraigned in a 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.
    a. criminal
    b. civil
    c. tort
    d. moral

ANSWER: a

43. Scott is arrested for selling drugs. He is arraigned in a 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 that Scott violated are best described as what type of laws?
    a. Public and substantive
    b. Private and substantive
    c. Tort and public

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d. Substantive and tort

ANSWER: a

44. 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:

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

45. 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:

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

46. 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:

a. rehabilitate Chad.

b. punish Chad.

c. deter Chad.

d. jail Chad.

ANSWER: a

47. 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 that makes 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.

a. felony

b. misdemeanor

c. tort

d. status

ANSWER: a

48. 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 that makes 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

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violation of the principle of:

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

ANSWER: a

49. 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 that makes 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.

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

ANSWER: d

50. 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 that makes 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.

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

ANSWER: c

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

a. certiorari.
b. habeas corpus.
c. *nulla poena sine lege*.
d. tort.

ANSWER: a

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

a. *certiorari.*
b. habeas corpus.
c. *nulla poena sine lege.*
d. tort.

ANSWER: b

53. The most serious grade of crime, which usually includes the possibility of a prison sentence, is a(n):

a. felony.
b. misdemeanor.

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c. common law crime.
d. tort.

ANSWER: a

54. Which crime is considered a less serious offense and usually carries a sentence of imprisonment for no more than a year?
a. A felony
b. A misdemeanor
c. A common law crime
d. A tort

ANSWER: b

55. All of the following are goals of the law, except:
a. rehabilitating offenders.
b. punishing offenders.
c. deterring offenders.
d. inconveniencing offenders.

ANSWER: d

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

57. If the language of a statute or ordinance is ambiguous, 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

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

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

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b. that the law does not contravene the U.S. Constitution.
c. that the language of the statute or ordinance clearly tells people what they are not to do.
d. the proposed law is rooted in common law.

ANSWER: d

60. What 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

61. Law enforcement agencies are found in which branch of government?
a. Judicial
b. State
c. Legislative
d. Executive

ANSWER: d

62. The area of the civil law that is closest to the criminal law is _____ law.
a. ex post facto
b. common
c. status
d. tort

ANSWER: d

63. The equal protection clause is found in which amendment?
a. The First
b. The Tenth
c. The Eighth
d. The Fourteenth

ANSWER: d

64. A statute, which may result in arbitrary and discriminatory enforcement because those who enforce and apply the law have no clear and explicit standards to guide them, may violate which doctrine?
a. Void for vagueness
b. Due process
c. Overbreadth
d. Ex post facto

ANSWER: a

65. In forbidding bills of attainder, the U.S. Constitution and state constitutions limit legislature to what task?
a. Writing laws (making rules)

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b. Interpreting how the law is applied
c. Determining legal guilt
d. Sanctioning convicted offenders

ANSWER: a

66. Post-conviction relief laws are also known as:
a. bills of attainder.
b. writs of certiorari.
c. writs of habeas corpus.
d. ex post facto laws.

ANSWER: c

67. The ban on cruel and unusual punishment is found in the _____ Amendment.
a. First
b. Tenth
c. Eighth
d. Fourteenth

ANSWER: c

68. From colonial days through World War I, the criminal code of American states was generally limited to crimes that were considered serious wrongs against society, and it was the attitude of judges and lawyers that moral wrongs should be enforced by:
a. civil courts.
b. the family, religious, and social pressure.
c. common law courts.
d. criminal courts.

ANSWER: b

69. If being a diabetic was a crime, what kind of crime would it be classified as?
a. A common law crime
b. A felony
c. A status crime
d. A misdemeanor

ANSWER: c

70. The document signed by King John in 1215 giving certain rights to his nobles is the:
a. Magna Carta.
b. Declaration of Independence.
c. Mayflower Compact.
d. English Bill of Rights

ANSWER: a

71. All of the following factors could be motivations for a person to commit a crime, except:
a. fear of embarrassment to self, family, and friends.

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b. insufficient ethical commitment to the law.
c. opportunity combined with capacity and skill.
d. belief in their ability to go undetected.

ANSWER: a

72. Murder, sexual assault, and robbery are examples of what serious grade of crime?
a. Misdemeanors
b. Status crimes
c. Felonies
d. Ex post facto crimes

ANSWER: c

73. All of the following are goals of a democracy, except:
a. pomestic tranquility.
b. public order.
c. the limitation of individual freedoms.
d. protection of the basic rights of individuals.

ANSWER: c

74. An offense that does not provide for possible jailing or imprisonment is generally classified as a(n):
a. misdemeanor.
b. status crime.
c. felony.
d. civil offense.

ANSWER: d

75. If a defendant wishes to raise an issue about the constitutionality of a law, they are entitled to ask _____ to review by issuing a writ of certiorari.
a. the United States Supreme Court
b. the Supreme Court of the state where the law has been enacted
c. the civil court
d. the trial court with jurisdiction over the offense.

ANSWER: a

76. Laws or statutes that apply to all people within a state or nation are referred to as:
a. criminal law.
b. public law.
c. common law.
d. civil law.

ANSWER: b

77. Criminology is a branch of what discipline?
a. Criminal Justice
b. Sociology

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c. Law
d. Biology

ANSWER: b

78. The Bill of Rights consists of how many constitutional amendments?
a. Five
b. Ten
c. Thirteen
d. Twenty-six

ANSWER: b

79. What kind of law is based on custom, usage, or moral values?
a. Common law
b. Statutory law
c. Civil law
d. Administrative law

ANSWER: a

80. What kind of law is used in the fields of health, drugs, stock market, taxation, and other areas the government must regulate?
a. Common law
b. Statutory law
c. Civil law
d. Administrative law

ANSWER: d

81. Prisoners in state prisons who claim their convictions are unconstitutional may file a:
a. writ of mandamus.
b. writ of habeas corpus.
c. writ of certiorari.
d. writ of execution.

ANSWER: b

82. Which courts serve as trial courts in the federal system?
a. State Supreme Courts
b. Federal circuit courts
c. Federal district courts
d. Superior courts

ANSWER: c

83. A private wrong, such as a tort or contract violation is known as a(n):
a. civil wrong.
b. administrative wrong.
c. criminal wrong.

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d. moral wrong.

ANSWER: a

84. In the case of a public wrong, who files the legal action?
a. The private individual who experienced the harm
b. The state
c. The defendant
d. Law enforcement

ANSWER: b

85. In the case of a private wrong, who files the legal action?
a. The private individual who experienced the harm
b. The state
c. The defendant
d. Law enforcement

ANSWER: a

86. Discuss some of the differences that result depending upon whether a crime is classified as a felony or a misdemeanor.
ANSWER: N/A

87. Compare and contrast public law and private law. What are the differences between criminal law and tort law?
ANSWER: N/A

88. 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

89. Describe the following general constitutional limitations on criminal laws: due process, "void for vagueness," and the overbreadth doctrine.
ANSWER: N/A

90. Discuss the meaning of police power.
ANSWER: N/A

91. 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

92. Compare and contrast the four main goals or purposes of the criminal justice system.
ANSWER: N/A

93. Identify the three branches of government. Describe the responsibilities of each of the branches regarding criminal law.
ANSWER: N/A

94. Discuss the general limitations on the exercise of police power.

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ANSWER: N/A

95. What is the meaning of *nulla poena sine lege*? How does it limit the police power of the state?
ANSWER: N/A

96. Discuss, using examples, the circumstances that would make a criminal law a status crime?
ANSWER: N/A

97. Analyze the relationship between criminal law and moral law.
ANSWER: N/A

98. What is an ex post facto law, and what does the ex post facto clause forbid?
ANSWER: N/A

99. Compare and contrast statutory and administrative crimes.
ANSWER: N/A

100. Distinguish between substantive and procedural due process.
ANSWER: N/A

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