Crime and Criminal Justice Concepts and Controversies 2nd edition Mallicoat Test Bank

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Chapter 2: Concepts of Law and Justice

Test Bank

Multiple Choice

1. _____ governs disputes between individuals or private parties?
a. Criminal law
b. Civil law
c. Administrative law
d. Constitutional law
Ans: B
KEY: Learning Objective: 2-1: Compare how criminal law differs from civil law.
REF: Cognitive Domain: Knowledge
Answer Location: Civil Cases
Difficulty Level: Easy
TOP: SAGE Course Outcome: Articulate the foundations of criminal justice, including definitions, theories, typologies, measurement issues, policies, and the law.

2. Which of the following types of laws generally involves violations of private acts, such as contracts, property disputes, and family law?
a. criminal
b. civil
c. family
d. tribal
Ans: B
KEY: Learning Objective: 2-1: Compare how criminal law differs from civil law.
REF: Cognitive Domain: Application
Answer Location: Civil Cases
Difficulty Level: Medium
TOP: SAGE Course Outcome: Articulate the foundations of criminal justice, including definitions, theories, typologies, measurement issues, policies, and the law.

3. In civil law, the person who initiates the case is called the _____.
a. prosecutor
b. defendant
c. plaintiff
d. respondent
Ans: C
KEY: Learning Objective: 2-1: Compare how criminal law differs from civil law.
REF: Cognitive Domain: Knowledge
Answer Location: Civil Cases
Difficulty Level: Easy

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TOP: SAGE Course Outcome: Articulate the foundations of criminal justice, including definitions, theories, typologies, measurement issues, policies, and the law.

4. Under civil law, the burden of proof is _____.
a. beyond a reasonable doubt
b. preponderance of the evidence
c. clear and convincing evidence
d. reasonable suspicion
Ans: B
KEY: Learning Objective: 2-1: Compare how criminal law differs from civil law.
REF: Cognitive Domain: Comprehension
Answer Location: Civil Cases
Difficulty Level: Medium
TOP: SAGE Course Outcome: Articulate the foundations of criminal justice, including definitions, theories, typologies, measurement issues, policies, and the law.

5. In civil cases, the person who is responding to the case is the _____.
a. prosecutor
b. defendant
c. plaintiff
d. respondent
Ans: B
KEY: Learning Objective: 2-1: Compare how criminal law differs from civil law.
REF: Cognitive Domain: Knowledge
Answer Location: Civil Cases
Difficulty Level: Easy
TOP: SAGE Course Outcome: Articulate the foundations of criminal justice, including definitions, theories, typologies, measurement issues, policies, and the law.

6. In civil cases, the burden to prove the case is placed on _____.
a. prosecutor
b. defendant
c. plaintiff
d. respondent
Ans: C
KEY: Learning Objective: 2-1: Compare how criminal law differs from civil law.
REF: Cognitive Domain: Knowledge
Answer Location: Civil Cases
Difficulty Level: Easy
TOP: SAGE Course Outcome: Articulate the foundations of criminal justice, including definitions, theories, typologies, measurement issues, policies, and the law.

7. Under civil law, the punishment comes in which of the following forms?
a. financial
b. probation
c. imprisonment

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d. rehabilitation
Ans: A
KEY: Learning Objective: 2-1: Compare how criminal law differs from civil law.
REF: Cognitive Domain: Application
Answer Location: Civil Cases
Difficulty Level: Medium
TOP: SAGE Course Outcome: Articulate the foundations of criminal justice, including definitions, theories, typologies, measurement issues, policies, and the law.

8. _____ cases are brought by the government against a defendant for violating a specific law.
a. Criminal
b. Civil
c. Family
d. Contract
Ans: A
KEY: Learning Objective: 2-1: Compare how criminal law differs from civil law.
REF: Cognitive Domain: Comprehension
Answer Location: Criminal Cases
Difficulty Level: Easy
TOP: SAGE Course Outcome: Articulate the foundations of criminal justice, including definitions, theories, typologies, measurement issues, policies, and the law.

9. Under criminal law, the burden of proof is _____.
a. beyond a reasonable doubt
b. preponderance of the evidence
c. clear and convincing evidence
d. probable cause
Ans: A
KEY: Learning Objective: 2-4: Discuss the burden of proof required in a criminal case.
REF: Cognitive Domain: Comprehension
Answer Location: Criminal Cases
Difficulty Level: Medium
TOP: SAGE Course Outcome: Articulate the foundations of criminal justice, including definitions, theories, typologies, measurement issues, policies, and the law.

10. Which of the following is considered to be the highest burden of proof under the law?
a. clear and convincing evidence
b. probable cause
c. preponderance of the evidence
d. beyond a reasonable doubt
Ans: D
KEY: Learning Objective: 2-4: Discuss the burden of proof required in a criminal case.
REF: Cognitive Domain: Comprehension
Answer Location: Criminal Cases

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Difficulty Level: Medium
TOP: SAGE Course Outcome: Articulate the foundations of criminal justice, including definitions, theories, typologies, measurement issues, policies, and the law.

11. Federal criminal laws are enacted by the _____.
a. judicial branch
b. legislative branch
c. executive branch
d. executive agencies
Ans: B
KEY: Learning Objective: 2-1: Compare how criminal law differs from civil law.
REF: Cognitive Domain: Knowledge
Answer Location: Federal Criminal Laws
Difficulty Level: Easy
TOP: SAGE Course Outcome: Articulate the foundations of criminal justice, including definitions, theories, typologies, measurement issues, policies, and the law.

12. Which of the following apply to federal criminal laws?
a. federal laws apply only to U.S. territories
b. federal laws are made under the 10th Amendment
c. federal law is limited to very specific geographic jurisdictions
d. federal law violations can also be triggered when crimes occur across state lines
Ans: D
KEY: Learning Objective: 2-1: Compare how criminal law differs from civil law.
REF: Cognitive Domain: Application
Answer Location: Federal Criminal Laws
Difficulty Level: Medium
TOP: SAGE Course Outcome: Articulate the foundations of criminal justice, including definitions, theories, typologies, measurement issues, policies, and the law.

13. States have the power to make law prohibiting behaviors under the _____ Amendment.
a. First
b. Fourth
c. Ninth
d. Tenth
Ans: D
KEY: Learning Objective: 2-1: Compare how criminal law differs from civil law.
REF: Cognitive Domain: Knowledge
Answer Location: State Criminal Laws
Difficulty Level: Easy
TOP: SAGE Course Outcome: Articulate the foundations of criminal justice, including definitions, theories, typologies, measurement issues, policies, and the law.

14. Municipal criminal law is limited to cases involving which of the following?
a. status offenses and infractions

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b. infractions and misdemeanors
c. misdemeanors and status offenses
d. felonies and misdemeanors
Ans: B
KEY: Learning Objective: 2-1: Compare how criminal law differs from civil law.
REF: Cognitive Domain: Application
Answer Location: Municipal Criminal Laws
Difficulty Level: Medium
TOP: SAGE Course Outcome: Articulate the foundations of criminal justice, including definitions, theories, typologies, measurement issues, policies, and the law.

15. _____ are violations that are punishable by a fine but do not carry a potential jail sentence.
a. Status offenses
b. Infractions
c. Misdemeanors
d. Felonies
Ans: B
KEY: Learning Objective: 2-1: Compare how criminal law differs from civil law.
REF: Cognitive Domain: Knowledge
Answer Location: Municipal Criminal Laws
Difficulty Level: Easy
TOP: SAGE Course Outcome: Articulate the foundations of criminal justice, including definitions, theories, typologies, measurement issues, policies, and the law.

16. The most common type of infractions are _____.
a. traffic violations
b. jaywalking
c. disturbing the peace
d. not wearing a seat belt
Ans: A
KEY: Learning Objective: 2-1: Compare how criminal law differs from civil law.
REF: Cognitive Domain: Knowledge
Answer Location: Municipal Criminal Laws
Difficulty Level: Easy
TOP: SAGE Course Outcome: Articulate the foundations of criminal justice, including definitions, theories, typologies, measurement issues, policies, and the law.

17. Infractions are unique in that they follow which of the following?
a. clear and convincing evidence
b. probable cause
c. preponderance of the evidence
d. beyond a reasonable doubt
Ans: C
KEY: Learning Objective: 2-1: Compare how criminal law differs from civil law.
REF: Cognitive Domain: Application

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Answer Location: Municipal Criminal Laws
Difficulty Level: Medium
TOP: SAGE Course Outcome: Articulate the foundations of criminal justice, including definitions, theories, typologies, measurement issues, policies, and the law.

18. One of the earliest examples of law can be found in the _____.
a. Roman Law
b. Doctrine of Stare Decisis
c. Twelve Tables
d. Code of Hammurabi
Ans: D
KEY: Learning Objective: 2-2: Identify the historical influences of modern American criminal law.
REF: Cognitive Domain: Knowledge
Answer Location: Sources of Law
Difficulty Level: Easy
TOP: SAGE Course Outcome: Articulate the foundations of criminal justice, including definitions, theories, typologies, measurement issues, policies, and the law.

19. The concept of precedent emerged in the _____.
a. Roman Law
b. Doctrine of Stare Decisis
c. English Common Law
d. Code of Hammurabi
Ans: C
KEY: Learning Objective: 2-2: Identify the historical influences of modern American criminal law.
REF: Cognitive Domain: Knowledge
Answer Location: Sources of Law
Difficulty Level: Easy
TOP: SAGE Course Outcome: Articulate the foundations of criminal justice, including definitions, theories, typologies, measurement issues, policies, and the law.

20. The primary historical influences of American Law can be found in _____.
a. Roman Law and English Common Law
b. English Common Law and Spanish Codes
c. Spanish Codes and Asian Tablature
d. Germanic Law and Spanish Codes
Ans: A
KEY: Learning Objective: 2-2: Identify the historical influences of modern American criminal law.
REF: Cognitive Domain: Knowledge
Answer Location: Sources of Law
Difficulty Level: Easy
TOP: SAGE Course Outcome: Articulate the foundations of criminal justice, including definitions, theories, typologies, measurement issues, policies, and the law.

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21. Which of the following argues that punishment should fit the crime?
a. lex talionis
b. mens rea
c. actus reus
d. stare decisis
Ans: A
KEY: Learning Objective: 2-2: Identify the historical influences of modern American criminal law.
REF: Cognitive Domain: Application
Answer Location: Sources of Law
Difficulty Level: Easy
TOP: SAGE Course Outcome: Articulate the foundations of criminal justice, including definitions, theories, typologies, measurement issues, policies, and the law.

22. Which of the following sources of law includes the highest laws of the land?
a. statutory
b. case
c. administrative
d. constitutional
Ans: D
KEY: Learning Objective: 2-3: Describe the four different sources of law.
REF: Cognitive Domain: Comprehension
Answer Location: Constitutional Law
Difficulty Level: Medium
TOP: SAGE Course Outcome: Articulate the foundations of criminal justice, including definitions, theories, typologies, measurement issues, policies, and the law.

23. The framers of the Constitution were concerned about preserving _____.
a. the status quo
b. states' rights
c. due process for individuals
d. slavery
Ans: C
KEY: Learning Objective: 2-3: Describe the four different sources of law.
REF: Cognitive Domain: Knowledge
Answer Location: Constitutional Law
Difficulty Level: Easy
TOP: SAGE Course Outcome: Articulate the foundations of criminal justice, including definitions, theories, typologies, measurement issues, policies, and the law.

24. Which of the following amendments protects individuals against unreasonable searches and seizures?
a. Fourth Amendment
b. Fifth Amendment
c. Sixth Amendment

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d. Eighth Amendment
Ans: A
KEY: Learning Objective: 2-3: Describe the four different sources of law.
REF: Cognitive Domain: Application
Answer Location: Constitutional Law
Difficulty Level: Easy
TOP: SAGE Course Outcome: Articulate the foundations of criminal justice, including definitions, theories, typologies, measurement issues, policies, and the law.

25. Which of the following amendments protects against double jeopardy and self-incrimination?
a. Fourth Amendment
b. Fifth Amendment
c. Sixth Amendment
d. Eighth Amendment
Ans: B
KEY: Learning Objective: 2-3: Describe the four different sources of law.
REF: Cognitive Domain: Application
Answer Location: Constitutional Law
Difficulty Level: Easy
TOP: SAGE Course Outcome: Articulate the foundations of criminal justice, including definitions, theories, typologies, measurement issues, policies, and the law.

26. Which of the following amendments protects against cruel and unusual punishment?
a. Fourth Amendment
b. Fifth Amendment
c. Sixth Amendment
d. Eighth Amendment
Ans: D
KEY: Learning Objective: 2-3: Describe the four different sources of law.
REF: Cognitive Domain: Application
Answer Location: Constitutional Law
Difficulty Level: Easy
TOP: SAGE Course Outcome: Articulate the foundations of criminal justice, including definitions, theories, typologies, measurement issues, policies, and the law.

27. _____ means that a person cannot be tried for a crime more than once.
a. Self-incrimination
b. Double jeopardy
c. Preponderance
d. Probable cause
Ans: B
KEY: Learning Objective: 2-3: Describe the four different sources of law.
REF: Cognitive Domain: Comprehension
Answer Location: Constitutional Law
Difficulty Level: Easy

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TOP: SAGE Course Outcome: Articulate the foundations of criminal justice, including definitions, theories, typologies, measurement issues, policies, and the law.

28. Which of the following amendments provides for the right to a speedy trial by an impartial jury of one's peers in the jurisdiction where the crime occurred?
a. Fourth Amendment
b. Fifth Amendment
c. Sixth Amendment
d. Eighth Amendment
Ans: C
KEY: Learning Objective: 2-3: Describe the four different sources of law.
Answer Location: Constitutional Law
REF: Cognitive Domain: Application
Difficulty Level: Medium
TOP: SAGE Course Outcome: Articulate the foundations of criminal justice, including definitions, theories, typologies, measurement issues, policies, and the law.

29. Which of the following sources of law refers to laws that are established by governments?
a. statutory
b. case
c. administrative
d. constitutional
Ans: A
KEY: Learning Objective: 2-3: Describe the four different sources of law.
REF: Cognitive Domain: Knowledge
Answer Location: Federal Statutory Law
Difficulty Level: Medium
TOP: SAGE Course Outcome: Articulate the foundations of criminal justice, including definitions, theories, typologies, measurement issues, policies, and the law.

30. Which of the following entities can override a presidential veto?
a. judiciary
b. states
c. executive agencies
d. Congress
Ans: D
KEY: Learning Objective: 2-3: Describe the four different sources of law.
REF: Cognitive Domain: Application
Answer Location: Federal Statutory Law
Difficulty Level: Medium
TOP: SAGE Course Outcome: Articulate the foundations of criminal justice, including definitions, theories, typologies, measurement issues, policies, and the law.

31. The method of direct democracy is popular in which of the following states?
a. Texas

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b. Virginia
c. Utah
d. California
Ans: D
KEY: Learning Objective: 2-3: Describe the four different sources of law.
REF: Cognitive Domain: Application
Answer Location: State Statutory Law
Difficulty Level: Easy
TOP: SAGE Course Outcome: Articulate the foundations of criminal justice, including definitions, theories, typologies, measurement issues, policies, and the law.

32. In June 2015, Texas governor Greg Abbott signed Senate Bill 11, which permits individuals with a concealed handgun license to legally carry in college campuses. This is an example of _____ law.
a. statutory
b. case
c. administrative
d. constitutional
Ans: A
KEY: Learning Objective: 2-3: Describe the four different sources of law.
REF: Cognitive Domain: Application
Answer Location: State Statutory Law
Difficulty Level: Hard
TOP: SAGE Course Outcome: Articulate the foundations of criminal justice, including definitions, theories, typologies, measurement issues, policies, and the law.

33. _____ law refers to the body of law that governs the creation and function of state and federal government agencies.
a. Statutory
b. Case
c. Administrative
d. Constitutional
Ans: C
KEY: Learning Objective: 2-3: Describe the four different sources of law.
REF: Cognitive Domain: Knowledge
Answer Location: Administrative Law
Difficulty Level: Easy
TOP: SAGE Course Outcome: Articulate the foundations of criminal justice, including definitions, theories, typologies, measurement issues, policies, and the law.

34. _____ law spans across virtually every topic, including intelligence, security, banking, finance, food, education, and communications.
a. Statutory
b. Case
c. Administrative
d. Constitutional

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Ans: C
KEY: Learning Objective: 2-3: Describe the four different sources of law.
REF: Cognitive Domain: Comprehension
Answer Location: Administrative Law
Difficulty Level: Medium
TOP: SAGE Course Outcome: Articulate the foundations of criminal justice, including definitions, theories, typologies, measurement issues, policies, and the law.

35. The primary source for administrative law is the _____.
a. Federal Administrative Procedure Act
b. Federal Crime Commission
c. Federal Communicational Commission
d. U.S. Constitution
Ans: A
KEY: Learning Objective: 2-3: Describe the four different sources of law.
REF: Cognitive Domain: Comprehension
Answer Location: Administrative Law
Difficulty Level: Easy
TOP: SAGE Course Outcome: Articulate the foundations of criminal justice, including definitions, theories, typologies, measurement issues, policies, and the law.

36. Which of the following was identified as one of the purposes of the Administrative Procedure Act?
a. mandate that the public informs government agencies of the nature, procedures, and rules of their organization
b. to ensure that government officials are the only ones with information pertaining to government agencies
c. to establish and implement a uniform process by which rules are made and violations are adjudicated
d. allows states and localities to implement federal administrative rules
Ans: C
KEY: Learning Objective: 2-3: Describe the four different sources of law.
REF: Cognitive Domain: Application
Answer Location: Administrative Law
Difficulty Level: Medium
TOP: SAGE Course Outcome: Articulate the foundations of criminal justice, including definitions, theories, typologies, measurement issues, policies, and the law.

37. _____ law is created as a result of legal decisions by courts.
a. Statutory
b. Case
c. Administrative
d. Constitutional
Ans: B
KEY: Learning Objective: 2-3: Describe the four different sources of law.
REF: Cognitive Domain: Comprehension

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Answer Location: Case Law
Difficulty Level: Easy
TOP: SAGE Course Outcome: Articulate the foundations of criminal justice, including definitions, theories, typologies, measurement issues, policies, and the law.

38. _____ law is based on legal precedent.
a. Statutory
b. Case
c. Administrative
d. Constitutional
Ans: B
KEY: Learning Objective: 2-3: Describe the four different sources of law.
REF: Cognitive Domain: Comprehension
Answer Location: Case Law
Difficulty Level: Medium
TOP: SAGE Course Outcome: Articulate the foundations of criminal justice, including definitions, theories, typologies, measurement issues, policies, and the law.

39. Explanations in case law are referred to as _____.
a. beliefs
b. rules
c. opinions
d. legal matters
Ans: C
KEY: Learning Objective: 2-3: Describe the four different sources of law.
REF: Cognitive Domain: Knowledge
Answer Location: Case Law
Difficulty Level: Easy
TOP: SAGE Course Outcome: Articulate the foundations of criminal justice, including definitions, theories, typologies, measurement issues, policies, and the law.

40. Under case law, which of the following individuals provides written explanations of their decision in a court case?
a. prosecutors
b. defendants
c. arresting officers
d. judges
Ans: D
KEY: Learning Objective: 2-3: Describe the four different sources of law.
REF: Cognitive Domain: Application
Answer Location: Case Law
Difficulty Level: Easy
TOP: SAGE Course Outcome: Articulate the foundations of criminal justice, including definitions, theories, typologies, measurement issues, policies, and the law.

41. Crimes that are _____ acts are considered to be inherently illegal.

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a. actus reus
b. mens rea
c. mala in se
d. mala prohibita
Ans: C
KEY: Learning Objective: 2-5: Define the four components of a criminal act.
REF: Cognitive Domain: Comprehension
Answer Location: Criminal Law
Difficulty Level: Medium
TOP: SAGE Course Outcome: Articulate the foundations of criminal justice, including definitions, theories, typologies, measurement issues, policies, and the law.

42. Acts that are _____ are only crimes because they have been defined under the law as illegal.
a. actus reus
b. mens rea
c. mala in se
d. mala prohibita
Ans: D
KEY: Learning Objective: 2-5: Define the four components of a criminal act.
REF: Cognitive Domain: Comprehension
Answer Location: Criminal Law
Difficulty Level: Medium
TOP: SAGE Course Outcome: Articulate the foundations of criminal justice, including definitions, theories, typologies, measurement issues, policies, and the law.

43. Which of the following is an example of a mala prohibita crime?
a. manslaughter
b. murder
c. rape
d. prostitution
Ans: D
KEY: Learning Objective: 2-5: Define the four components of a criminal act.
REF: Cognitive Domain: Application
Answer Location: Criminal Law
Difficulty Level: Medium
TOP: SAGE Course Outcome: Articulate the foundations of criminal justice, including definitions, theories, typologies, measurement issues, policies, and the law.

44. In order for a crime to exist, there must be an act that is defined by society as bad or wrong. Which component of a crime does this refer to?
a. actus reus
b. mens rea
c. concurrence
d. result
Ans: A

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KEY: Learning Objective: 2-5: Define the four components of a criminal act.
REF: Cognitive Domain: Comprehension
Answer Location: Components of a Criminal Act
Difficulty Level: Medium
TOP: SAGE Course Outcome: Articulate the foundations of criminal justice, including definitions, theories, typologies, measurement issues, policies, and the law.

45. Which of the following components of a crime refers to the “evil thought” or intent?
a. actus reus
b. mens rea
c. concurrence
d. result
Ans: B
KEY: Learning Objective: 2-5: Define the four components of a criminal act.
REF: Cognitive Domain: Comprehension
Answer Location: Components of a Criminal Act
Difficulty Level: Medium
TOP: SAGE Course Outcome: Articulate the foundations of criminal justice, including definitions, theories, typologies, measurement issues, policies, and the law.

46. _____ refers to when intent and action join together.
a. Actus reus
b. Mens rea
c. Concurrence
d. Result
Ans: C
KEY: Learning Objective: 2-5: Define the four components of a criminal act.
REF: Cognitive Domain: Comprehension
Answer Location: Components of a Criminal Act
Difficulty Level: Medium
TOP: SAGE Course Outcome: Articulate the foundations of criminal justice, including definitions, theories, typologies, measurement issues, policies, and the law.

47. In strict liability crimes, _____ does not need to be proven in order for the individual to be guilty.
a. actus reus
b. mens rea
c. stare decisis
d. lex talionis
Ans: B
KEY: Learning Objective: 2-5: Define the four components of a criminal act.
REF: Cognitive Domain: Comprehension
Answer Location: Components of a Criminal Act
Difficulty Level: Medium
TOP: SAGE Course Outcome: Articulate the foundations of criminal justice, including definitions, theories, typologies, measurement issues, policies, and the law.

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48. The _____ refers to the harm that is experienced as a result of the act and the intent joining together.
a. actus reus
b. mens rea
c. concurrence
d. result
Ans: C
KEY: Learning Objective: 2-5: Define the four components of a criminal act.
REF: Cognitive Domain: Comprehension
Answer Location: Components of a Criminal Act
Difficulty Level: Medium
TOP: SAGE Course Outcome: Articulate the foundations of criminal justice, including definitions, theories, typologies, measurement issues, policies, and the law.

49. Consuming alcohol and then getting in a car to drive is considered to be a(n) _____.
a. voluntary act
b. involuntary act
c. failure to act
d. omission to act
Ans: A
KEY: Learning Objective: 2-5: Define the four components of a criminal act.
REF: Cognitive Domain: Comprehension
Answer Location: Components of a Criminal Act
Difficulty Level: Medium
TOP: SAGE Course Outcome: Articulate the foundations of criminal justice, including definitions, theories, typologies, measurement issues, policies, and the law.

50. Which of the following refers to what happens within the context of the act that makes it a crime?
a. attendant circumstances
b. mitigating factors
d. strict liability
d. concurrence
Ans: A
KEY: Learning Objective: 2-5: Define the four components of a criminal act.
REF: Cognitive Domain: Application
Answer Location: Components of a Criminal Act
Difficulty Level: Medium
TOP: SAGE Course Outcome: Articulate the foundations of criminal justice, including definitions, theories, typologies, measurement issues, policies, and the law.

51. All of the following statements regarding substantive criminal are true EXCEPT which?
a. Substantive criminal law is another way to describe administrative law.

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b. It refers to the criminal act.
c. It defines the potential punishment for someone who is convicted of a crime.
d. It provides structure by which cases should move through the system.
Ans: C
KEY: Learning Objective: 2-5: Define the four components of a criminal act.
REF: Cognitive Domain: Application
Answer Location: Substantive Criminal Law
Difficulty Level: Medium
TOP: SAGE Course Outcome: Articulate the foundations of criminal justice, including definitions, theories, typologies, measurement issues, policies, and the law.

52. Which of the following statements regarding procedural criminal law are true?
a. It is another way to describe statutory law.
b. It defines the potential punishment for someone who is convicted of a crime.
c. It requires that police officers inform someone of his or her constitutional rights to remain silent.
d. It refers to what acts we define as criminal.
Ans: C
KEY: Learning Objective: 2-5: Define the four components of a criminal act.
REF: Cognitive Domain: Application
Answer Location: Procedural Criminal Law
Difficulty Level: Medium
TOP: SAGE Course Outcome: Articulate the foundations of criminal justice, including definitions, theories, typologies, measurement issues, policies, and the law.

53. Which of the following refers to strategies used to justify, explain, or excuse criminal behavior?
a. precedent
b. defense
c. innocence
d. procedure
Ans: B
KEY: Learning Objective: 2-6: Explain the different types of criminal defenses.
REF: Cognitive Domain: Application
Answer Location: Criminal Defenses
Difficulty Level: Medium
TOP: SAGE Course Outcome: Articulate the foundations of criminal justice, including definitions, theories, typologies, measurement issues, policies, and the law.

54. Which of the following defenses is used when individual argues that they had to break the law in order to prevent a more significant harm from occurring?
a. duress
b. entrapment
c. necessity
d. self-defense
Ans: C

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KEY: Learning Objective: 2-6: Explain the different types of criminal defenses.
REF: Cognitive Domain: Application
Answer Location: Necessity, Duress, and Entrapment
Difficulty Level: Medium
TOP: SAGE Course Outcome: Articulate the foundations of criminal justice, including definitions, theories, typologies, measurement issues, policies, and the law.

55. _____ refers to when someone is forced to violate the law out of fear for their own safety.
a. Duress
b. Entrapment
c. Necessity
d. Self-defense
Ans: A
KEY: Learning Objective: 2-6: Explain the different types of criminal defenses.
REF: Cognitive Domain: Knowledge
Answer Location: Necessity, Duress, and Entrapment
Difficulty Level: Easy
TOP: SAGE Course Outcome: Articulate the foundations of criminal justice, including definitions, theories, typologies, measurement issues, policies, and the law.

56. In cases of _____ the original violation is considered moot.
a. duress
b. entrapment
c. necessity
d. self-defense
Ans: C
KEY: Learning Objective: 2-6: Explain the different types of criminal defenses.
REF: Cognitive Domain: Knowledge
Answer Location: Necessity, Duress, and Entrapment
Difficulty Level: Easy
TOP: SAGE Course Outcome: Articulate the foundations of criminal justice, including definitions, theories, typologies, measurement issues, policies, and the law.

57. Which of the following occurs when an individual is deceived by an official into engaging in an illegal act?
a. duress
b. entrapment
c. necessity
d. self-defense
Ans: B
KEY: Learning Objective: 2-6: Explain the different types of criminal defenses.
REF: Cognitive Domain: Application
Answer Location: Necessity, Duress, and Entrapment
Difficulty Level: Medium
TOP: SAGE Course Outcome: Articulate the foundations of criminal justice, including

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definitions, theories, typologies, measurement issues, policies, and the law.

58. Cases of _____ require that the use of force is justified based on the nature of the intrusion.
a. duress
b. entrapment
c. necessity
d. self-defense
Ans: D
KEY: Learning Objective: 2-6: Explain the different types of criminal defenses.
REF: Cognitive Domain: Knowledge
Answer Location: Necessity, Duress, and Entrapment
Difficulty Level: Easy
TOP: SAGE Course Outcome: Articulate the foundations of criminal justice, including definitions, theories, typologies, measurement issues, policies, and the law.

59. Which of the following defenses is used when an individual is NOT held responsible for his or her criminal actions as a result of his or her mental state?
a. self-defense
b. insanity
c. intoxication
d. duress
Ans: B
KEY: Learning Objective: 2-6: Explain the different types of criminal defenses.
REF: Cognitive Domain: Application
Answer Location: Necessity, Duress, and Entrapment
Difficulty Level: Medium
TOP: SAGE Course Outcome: Articulate the foundations of criminal justice, including definitions, theories, typologies, measurement issues, policies, and the law.

60. The M'Naghten rule is the foundation for most state definitions of the _____ defense.
a. duress
b. insanity
c. necessity
d. self-defense
Ans: B
KEY: Learning Objective: 2-6: Explain the different types of criminal defenses.
REF: Cognitive Domain: Comprehension
Answer Location: The M'Naghten Rule
Difficulty Level: Easy
TOP: SAGE Course Outcome: Articulate the foundations of criminal justice, including definitions, theories, typologies, measurement issues, policies, and the law.

61. All of the following were identified as concerns regarding the legalization of marijuana EXCEPT _____.

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a. increase in drugged driving
b. decreased IQ
c. increases in youth use
d. use as a substitute for opioids
Ans: D
KEY: Learning Objective: Not applicable.
REF: Cognitive Domain: Application
Answer Location: Current Controversy 2.1: Should Marijuana be Legalized
Difficulty Level: Medium
TOP: SAGE Course Outcome: Articulate the foundations of criminal justice, including definitions, theories, typologies, measurement issues, policies, and the law.

62. Which of the following statements is consistent with the argument that sexual harassment is separated from other forms of sexual assault?
a. Sexual harassment, sexual assault, and rape are all the same.
b. The impacts of sexual harassment are different from the impacts of rape.
c. The distinction between sexual assault and sexual harassment is to honor the unique experiences and consequences of each type of trauma.
d. All forms of sexual misconduct are harmful and the #METOO movement did not define the various forms.
Ans: C
KEY: Learning Objective: Not applicable.
REF: Cognitive Domain: Application
Answer Location: Current Controversy 2.2: Should Sexual Harassment Be Identified as a Form of Sexual Assault?
Difficulty Level: Medium
TOP: SAGE Course Outcome: Articulate the foundations of criminal justice, including definitions, theories, typologies, measurement issues, policies, and the law.

True/False

1. Under civil law, the form of punishment is financial.
Ans: T
KEY: Learning Objective: 2-1: Compare how criminal law differs from civil law.
REF: Cognitive Domain: Comprehension
Answer Location: Civil Cases
Difficulty Level: Medium
TOP: SAGE Course Outcome: Articulate the foundations of criminal justice, including definitions, theories, typologies, measurement issues, policies, and the law.

2. Under civil law, the plaintiff must provide evidence to prove their case by the preponderance of the evidence.
Ans: T
KEY: Learning Objective: 2-1: Compare how criminal law differs from civil law.
REF: Cognitive Domain: Comprehension

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Answer Location: Civil Cases
Difficulty Level: Medium
TOP: SAGE Course Outcome: Articulate the foundations of criminal justice, including definitions, theories, typologies, measurement issues, policies, and the law.

3. Criminal law governs disputes between individuals and private parties.
Ans: F
KEY: Learning Objective: 2-1: Compare how criminal law differs from civil law.
REF: Cognitive Domain: Knowledge
Answer Location: Criminal Cases
Difficulty Level: Easy
TOP: SAGE Course Outcome: Articulate the foundations of criminal justice, including definitions, theories, typologies, measurement issues, policies, and the law.

4. Depending on the type of crime that the defendant is convicted of, he or she may receive probation, spend time in jail or prison, or be executed as punishment for the crime.
Ans: T
KEY: Learning Objective: 2-1: Compare how criminal law differs from civil law.
REF: Cognitive Domain: Comprehension
Answer Location: Criminal Cases
Difficulty Level: Easy
TOP: SAGE Course Outcome: Articulate the foundations of criminal justice, including definitions, theories, typologies, measurement issues, policies, and the law.

5. Federal criminal laws are enacted by the executive branch of the federal government.
Ans: F
KEY: Learning Objective: 2-1: Compare how criminal law differs from civil law.
REF: Cognitive Domain: Comprehension
Answer Location: Federal Criminal Laws
Difficulty Level: Easy
TOP: SAGE Course Outcome: Articulate the foundations of criminal justice, including definitions, theories, typologies, measurement issues, policies, and the law.

6. Municipalities can have their own body of law.
Ans: T
KEY: Learning Objective: 2-1: Compare how criminal law differs from civil law.
REF: Cognitive Domain: Comprehension
Answer Location: Municipal Criminal Laws
Difficulty Level: Easy
TOP: SAGE Course Outcome: Articulate the foundations of criminal justice, including definitions, theories, typologies, measurement issues, policies, and the law.

7. English Common Law and Roman Law are among the primary influences of American Law.
Ans: T

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KEY: Learning Objective: 2-2: Identify the historical influences of modern American criminal law.
REF: Cognitive Domain: Knowledge
Answer Location: Sources of Law
Difficulty Level: Easy
TOP: SAGE Course Outcome: Articulate the foundations of criminal justice, including definitions, theories, typologies, measurement issues, policies, and the law.

8. The concept of precedent comes from English Common Law.
Ans: T
KEY: Learning Objective: 2-2: Identify the historical influences of modern American criminal law.
REF: Cognitive Domain: Knowledge
Answer Location: Sources of Law
Difficulty Level: Easy
TOP: SAGE Course Outcome: Articulate the foundations of criminal justice, including definitions, theories, typologies, measurement issues, policies, and the law.

9. Double jeopardy prevents individuals from being tried for the same crime twice.
Ans: T
KEY: Learning Objective: 2-3: Describe the four different sources of law.
REF: Cognitive Domain: Knowledge
Answer Location: Constitutional Law
Difficulty Level: Easy
TOP: SAGE Course Outcome: Articulate the foundations of criminal justice, including definitions, theories, typologies, measurement issues, policies, and the law.

10. Stare decisis means that a person has the right to remain silent and does not have to respond to questions that might implicate themselves in a criminal offense.
Ans: F
KEY: Learning Objective: 2-3: Describe the four different sources of law.
REF: Cognitive Domain: Knowledge
Answer Location: Constitutional Law
Difficulty Level: Easy
TOP: SAGE Course Outcome: Articulate the foundations of criminal justice, including definitions, theories, typologies, measurement issues, policies, and the law.

11. In cases where there is a conflict between state and federal law, it is up to the federal court system to resolve these disputes.
Ans: T
KEY: Learning Objective: 2-3: Describe the four different sources of law.
REF: Cognitive Domain: Comprehension
Answer Location: State Statutory Law
Difficulty Level: Easy
TOP: SAGE Course Outcome: Articulate the foundations of criminal justice, including definitions, theories, typologies, measurement issues, policies, and the law.

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12. Proposition 83 (otherwise known as “Jessica’s Law”) was passed by a vote of 70.5% of Californian voters in 2006 and was designed to increase the punishment for individuals who are convicted of sexually based crimes against adults and children. This is an example of case law.
Ans: F
KEY: Learning Objective: 2-3: Describe the four different sources of law.
REF: Cognitive Domain: Analysis
Answer Location: State Statutory Law
Difficulty Level: Hard
TOP: SAGE Course Outcome: Articulate the foundations of criminal justice, including definitions, theories, typologies, measurement issues, policies, and the law.

13. Administrative law refers to the body of law that governs the creation and function of state and federal government agencies.
Ans: T
KEY: Learning Objective: 2-3: Describe the four different sources of law.
REF: Cognitive Domain: Knowledge
Answer Location: Administrative Law
Difficulty Level: Easy
TOP: SAGE Course Outcome: Articulate the foundations of criminal justice, including definitions, theories, typologies, measurement issues, policies, and the law.

14. The primary source for administrative law is the Federal Administrative Procedure Act (APA).
Ans: T
KEY: Learning Objective: 2-3: Describe the four different sources of law.
REF: Cognitive Domain: Knowledge
Answer Location: Administrative Law
Difficulty Level: Easy
TOP: SAGE Course Outcome: Articulate the foundations of criminal justice, including definitions, theories, typologies, measurement issues, policies, and the law.

15. Case law is directly linked to statutory law.
Ans: T
KEY: Learning Objective: 2-3: Describe the four different sources of law.
REF: Cognitive Domain: Knowledge
Answer Location: Case Law
Difficulty Level: Easy
TOP: SAGE Course Outcome: Articulate the foundations of criminal justice, including definitions, theories, typologies, measurement issues, policies, and the law.

16. Murder is an example of a mala prohibita act.
Ans: F
KEY: Learning Objective: 2-5: Define the four components of a criminal act.
REF: Cognitive Domain: Application

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Answer Location: Criminal Law
Difficulty Level: Easy
TOP: SAGE Course Outcome: Articulate the foundations of criminal justice, including definitions, theories, typologies, measurement issues, policies, and the law.

17. The mental element of a crime is actus reus.
Ans: F
KEY: Learning Objective: 2-5: Define the four components of a criminal act.
REF: Cognitive Domain: Comprehension
Answer Location: Components of a Criminal Act
Difficulty Level: Medium
TOP: SAGE Course Outcome: Articulate the foundations of criminal justice, including definitions, theories, typologies, measurement issues, policies, and the law.

18. Mens rea refers to the intent to commit the crime.
Ans: T
KEY: Learning Objective: 2-5: Define the four components of a criminal act.
REF: Cognitive Domain: Comprehension
Answer Location: Components of a Criminal Act
Difficulty Level: Medium
TOP: SAGE Course Outcome: Articulate the foundations of criminal justice, including definitions, theories, typologies, measurement issues, policies, and the law.

19. Attendant circumstances refers to the relationship between mens rea and actus reus.
Ans: T
KEY: Learning Objective: 2-5: Define the four components of a criminal act.
REF: Cognitive Domain: Comprehension
Answer Location: Components of a Criminal Act
Difficulty Level: Medium
TOP: SAGE Course Outcome: Articulate the foundations of criminal justice, including definitions, theories, typologies, measurement issues, policies, and the law.

20. Substantive criminal law is another way to describe statutory law, as it refers to what acts we define as criminal.
Ans: T
KEY: Learning Objective: 2-5: Define the four components of a criminal act.
REF: Cognitive Domain: Comprehension
Answer Location: Substantive Criminal Law
Difficulty Level: Medium
TOP: SAGE Course Outcome: Articulate the foundations of criminal justice, including definitions, theories, typologies, measurement issues, policies, and the law.

21. Informing suspects of their rights and ensuring that they are upheld is an important feature of procedural criminal law.
Ans: T

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KEY: Learning Objective: 2-5: Define the four components of a criminal act.
REF: Cognitive Domain: Comprehension
Answer Location: Procedural Criminal Law
Difficulty Level: Medium
TOP: SAGE Course Outcome: Articulate the foundations of criminal justice, including definitions, theories, typologies, measurement issues, policies, and the law.

22. A strategy to justify, explain, or excuse criminal behavior is referred to as innocence.
Ans: F
KEY: Learning Objective: 2-6: Explain the different types of criminal defenses.
REF: Cognitive Domain: Comprehension
Answer Location: Criminal Defenses
Difficulty Level: Medium
TOP: SAGE Course Outcome: Articulate the foundations of criminal justice, including definitions, theories, typologies, measurement issues, policies, and the law.

23. When someone is accused of a crime, it is up to the prosecutor to prove that the defendant is guilty.
Ans: T
KEY: Learning Objective: 2-6: Explain the different types of criminal defenses.
REF: Cognitive Domain: Comprehension
Answer Location: Criminal Defenses
Difficulty Level: Medium
TOP: SAGE Course Outcome: Articulate the foundations of criminal justice, including definitions, theories, typologies, measurement issues, policies, and the law.

24. Entrapment refers to cases in which an individual had to break the law in order to prevent a more significant harm from occurring.
Ans: F
KEY: Learning Objective: 2-6: Explain the different types of criminal defenses.
REF: Cognitive Domain: Knowledge
Answer Location: Necessity, Duress, and Entrapment
Difficulty Level: Easy
TOP: SAGE Course Outcome: Articulate the foundations of criminal justice, including definitions, theories, typologies, measurement issues, policies, and the law.

25. The concept of insanity means that an individual is not held responsible for her or his criminal actions as a result of a mental condition.
Ans: T
KEY: Learning Objective: 2-6: Explain the different types of criminal defenses.
REF: Cognitive Domain: Knowledge
Answer Location: Insanity
Difficulty Level: Easy
TOP: SAGE Course Outcome: Articulate the foundations of criminal justice, including definitions, theories, typologies, measurement issues, policies, and the law.

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Short Answer

1. List some examples of federal criminal law.
Ans: Answers may vary.
KEY: Learning Objective: 2-3: Describe the four different sources of law.
REF: Cognitive Domain: Knowledge
Answer Location: Federal Criminal Law
Difficulty Level: Easy
TOP: SAGE Course Outcome: Articulate the foundations of criminal justice, including definitions, theories, typologies, measurement issues, policies, and the law.

2. Discuss two historical influences on modern U.S. criminal law.
Ans: Code of Hammurabi (lex talionis) and Twelve Tables stood as the foundation of the Roman law and juries. English common law with judges settling disputes led to the notion of precedent.
KEY: Learning Objective: 2-2: Identify the historical influences of modern American criminal law.
REF: Cognitive Domain: Knowledge
Answer Location: Sources of Law
Difficulty Level: Easy
TOP: SAGE Course Outcome: Articulate the foundations of criminal justice, including definitions, theories, typologies, measurement issues, policies, and the law.

3. What is Constitutional Law?
Ans: Law that serves to establish and govern the government. It includes the U.S. Constitution as well as state constitutions.
KEY: Learning Objective: 2-3: Describe the four different sources of law.
REF: Cognitive Domain: Knowledge
Answer Location: Constitutional Law
Difficulty Level: Easy
TOP: SAGE Course Outcome: Articulate the foundations of criminal justice, including definitions, theories, typologies, measurement issues, policies, and the law.

4. What is statutory law?
Ans: Laws that are established by governments.
KEY: Learning Objective: 2-3: Describe the four different sources of law.
REF: Cognitive Domain: Knowledge
Answer Location: Statutory Law
Difficulty Level: Easy
TOP: SAGE Course Outcome: Articulate the foundations of criminal justice, including definitions, theories, typologies, measurement issues, policies, and the law.

5. What is administrative law?
Ans: The body of law that governs the creation and function of state and federal government agencies.
KEY: Learning Objective: 2-3: Describe the four different sources of law.

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REF: Cognitive Domain: Knowledge
Answer Location: Administrative Law
Difficulty Level: Easy
TOP: SAGE Course Outcome: Articulate the foundations of criminal justice, including definitions, theories, typologies, measurement issues, policies, and the law.

6. What is case law?
Ans: Case law is created as a result of legal decisions by the court. These new interpretations of the law are called precedent.
KEY: Learning Objective: 2-3: Describe the four different sources of law.
REF: Cognitive Domain: Knowledge
Answer Location: Case Law
Difficulty Level: Easy
TOP: SAGE Course Outcome: Articulate the foundations of criminal justice, including definitions, theories, typologies, measurement issues, policies, and the law.

7. Explain the components of a criminal act.
Ans: Actus reus (the evil act), mens rea (the evil thought), concurrence (relationship between actus reus and mens rea), and result (the criminal act).
KEY: Learning Objective: 2-5: Define the four components of a criminal act.
REF: Cognitive Domain: Comprehension
Answer Location: Components of a Criminal Act
Difficulty Level: Medium
TOP: SAGE Course Outcome: Articulate the foundations of criminal justice, including definitions, theories, typologies, measurement issues, policies, and the law.

8. What is a strict liability crime?
Ans: A crime in which mens rea does not need to be proven in order for an individual to be guilty of the criminal act.
KEY: Learning Objective: 2-5: Define the four components of a criminal act.
REF: Cognitive Domain: Knowledge
Answer Location: Components of a Criminal Act
Difficulty Level: Easy
TOP: SAGE Course Outcome: Articulate the foundations of criminal justice, including definitions, theories, typologies, measurement issues, policies, and the law.

9. What is substantive criminal law? Give one example.
Ans: Substantive criminal law is another way to describe statutory law as it refers to what acts we define as criminal. One example is defining possession of marijuana as an illegal act.
KEY: Learning Objective: 2-3: Describe the four different sources of law.
REF: Cognitive Domain: Application
Answer Location: Substantive Criminal Law
Difficulty Level: Medium
TOP: SAGE Course Outcome: Articulate the foundations of criminal justice, including definitions, theories, typologies, measurement issues, policies, and the law.

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10. What is procedural criminal law?
Ans: Procedural criminal law provides the rules and regulations for how a case will proceed, dictates the roles and responsibilities for each of the courtroom participants, and provides guidance on how to ensure that a defendant's constitutional rights should be protected. One example is the timeline by which the accused must receive a probable cause hearing.
KEY: Learning Objective: 2-3: Describe the four different sources of law.
REF: Cognitive Domain: Application
Answer Location: Procedural Criminal Law
Difficulty Level: Medium
TOP: SAGE Course Outcome: Articulate the foundations of criminal justice, including definitions, theories, typologies, measurement issues, policies, and the law.

Essay

1. Explain the major difference between preponderance of the evidence and beyond a reasonable doubt.
Ans: Key points should include: Beyond a reasonable doubt is a higher standard of proof. It means that every reasonable doubt has been eliminated. It is the standard burden of proof in criminal cases. In contrast, preponderance of the evidence means it is more likely than not. It refers to the majority of the evidence and is the standard burden of proof in civil cases.
KEY: Learning Objective: 2-4: Discuss the burden of proof required in a criminal case.
REF: Cognitive Domain: Comprehension
Answer Location: Types of Law
Difficulty Level: Medium
TOP: SAGE Course Outcome: Articulate the foundations of criminal justice, including definitions, theories, typologies, measurement issues, policies, and the law.

2. Define mala in se and mala prohibita; then, give an example of each.
Ans: Mala in se—acts that are considered to be inherently illegal (murder, theft, robbery, and assault); mala prohibita—acts that are only crimes because they have been defined under the law as illegal (drug use; alcohol consumption, possession, or manufacturing; gambling; and prostitution).
KEY: Learning Objective: 2-3: Describe the four different sources of law.
REF: Cognitive Domain: Application
Answer Location: Criminal Law
Difficulty Level: Medium
TOP: SAGE Course Outcome: Articulate the foundations of criminal justice, including definitions, theories, typologies, measurement issues, policies, and the law.

3. What is the difference between procedural criminal law and substantive criminal law?
Ans: Substantive criminal law is another way to describe statutory law, as it refers to what acts we define as criminal, while procedural criminal law provides the structure by

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which such cases should move through the system.
KEY: Learning Objective: 2-3: Describe the four different sources of law.
REF: Cognitive Domain: Comprehension
Answer Location: Criminal Law
Difficulty Level: Medium
TOP: SAGE Course Outcome: Articulate the foundations of criminal justice, including definitions, theories, typologies, measurement issues, policies, and the law.

4. Explain and give one example of attendant circumstances.
Ans: What happens within the context of the act that makes it a crime. It is the relationship between the mens rea and actus reus. For example, in the crime of rape, the act of sexual intercourse is not in of itself a crime. However, in order for sex to be a lawful behavior, you must have consent from the parties involved in act. Failure to obtain consent is an example of an attendant circumstance.
KEY: Learning Objective: 2-5: Define the four components of a criminal act.
REF: Cognitive Domain: Application
Answer Location: Components of a Criminal Act
Difficulty Level: Hard
TOP: SAGE Course Outcome: Articulate the foundations of criminal justice, including definitions, theories, typologies, measurement issues, policies, and the law.

5. List and explain the different tests for the insanity defense.
Ans: Irresistible impulse—could not control one's behavior. M'Naghten finds a defendant insane if (1) the defendant did not know what he or she was doing at the time of the crime and (2) if the defendant did not understand that these actions were wrong. The American Law Institute Standard (also referred to as the model penal code test) combines the features of M'Naghten rule and the irresistible impulse test to establish that a defendant can be found criminally insane if, as a result of a mental disease or defect, she or he is unable to understand the difference between right and wrong or to control her or his behavior.
KEY: Learning Objective: 2-6: Explain the different types of criminal defenses.
REF: Cognitive Domain: Comprehension
Answer Location: Insanity
Difficulty Level: Hard
TOP: SAGE Course Outcome: Articulate the foundations of criminal justice, including definitions, theories, typologies, measurement issues, policies, and the law.

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