

# CRIMINAL LAW

## LAWS

- Rules and regulations that are set forth in societies
- The purpose is so that everyone can work and live in a stable environment

## CRIMES

- A legal wrong for which you can be prosecuted and possibly punished by the state
- Specifically a crime is considered an action against an entire society even if is performed against one person. **WHY?**
- Society will be unable to function in an orderly manner if these acts are allowed to take place.

## CRIMINAL LAWS

- Part of the law system that forbid individuals from performing certain acts

- For these laws to be successful – the majority of people must believe that the system is fair and that everyone will be treated equally.
- Usually reflects the moral and ethical beliefs of a changing society.
- These moral and ethical beliefs are called the “law behind the law”
- An example, Murder – this act is morally wrong and most people would not do this, even if it were not illegal. So, moral law prevents this crime from happening (as well as criminal law).

## TWO CATEGORIES OF CRIMES

- Felony – a serious crime such as murder or burglary; this usually carries a more severe sentence

- Misdemeanor – a less serious offense such as speeding or littering; these carry a lighter sentence such as fines or little prison time.
- Major difference between the two – <sup>IN-PRESENCE</sup> ~~“IN-RESENCE”~~.  
To be arrested for a misdemeanor the offense must be committed in the presence of a law official. A felony offender may be arrested on evidence alone.

## ELEMENTS OF A CRIME

- Before you are convicted of a crime two things must be proven *beyond a reasonable doubt*:
  - The external physical act or omission
  - A mental requirement known as intent or purpose
- Criminal intent with no criminal act is no crime.

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## CRIMINAL LAWS

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## **CRIMINAL LAW**

All governments and orderly societies need a set of rules that everyone understand and recognizes. These rules are called laws and are created so that everyone in the society can live and work in a stable environment.

**Criminal laws** are a part of this system and usually forbid individuals or groups of people from doing certain things. For example, murder is not acceptable in most societies and thus specific laws are passed forbidding this act and possibly setting specified penalties.

In order for a criminal justice system to operate successfully in a democracy, **the majority of the people within that society must have confidence that the system is fair and will be applied to everyone in the same manner.** It is through this system of laws that the basic principals and ideals of democracy are placed into action and the people know the government is there to protect their rights.

A **crime** is a legal wrong for which the offender is liable to be prosecuted, and if convicted by a court, punished by the state. Specifically, a crime is a wrong against society even though it is committed against a particular person. The reason it is considered a wrong against society is because the government has decided (through passage of law) that society cannot function in an orderly fashion if these acts are allowed to take place.

**Criminal laws** reflect the moral and ethical beliefs of the society and can change over the years. Murder, for example, is morally wrong and most people would not murder another human even if it were not forbidden by law. Murder, then, is not only forbidden by criminal law, it is also forbidden by moral law. This moral or ethical commitment to the law is referred to as the "law behind the law." What makes this idea important is that it forces people in society to conform by controlling their actions and deeds even when the police are not watching. In other words, we know what is acceptable in our society and what the laws are at any given time. If we break the law, we may get caught and must pay the price.

Crimes usually fall into two categories:

**FELONIES:** more serious crimes such as rape or burglary; carry a longer sentence

**MISDEMEANORS:** minor, although criminal, acts such as shoplifting or speeding; carry a lighter sentence (maybe no prison)

When attempting to convict an individual of a crime, there is one major distinction between a felony and a misdemeanor which is "IN-PRESENCE." To arrest an individual for a misdemeanor, the act must have been committed in the presence of a law official or a citizen will have to press charges. A felony suspect can be arrested entirely on evidence alone; in-presence is not required.

### **ELEMENTS OF A CRIME**

Before a person may be convicted of a crime which requires proof of mental fault, the government must prove beyond a reasonable doubt:

- the external physical act or omission and
- a mental requirement known as **INTENT OR PURPOSE**

Since the development of common law and up until modern time, all **true crimes** consisted of these two essential elements.

A criminal intent without a criminal act is no crime. If a person possesses a certain criminal intent but does nothing to actually carry out the intent, he has not committed a crime. In some instances, an act without the required mental state (or guilty mind) is no crime. For instance, a student who picks up someone else's book or briefcase by mistake has done a physical act, but if there is no criminal state of mind which is necessary for the crime of theft, there has been no crime committed.

In some cases, the state was able to prove criminal intent or criminal state of mind from what the person said or did prior to the criminal act. In most cases, criminal intent and purpose must be inferred or presumed by the judge or jury from acts of the defendant prior to and during the commission of the criminal act.





6. What must the government prove in order to convict someone of a crime?

7. How does criminal intent affect whether a crime has been committed or not?

8. How can the police or a jury decide if criminal intent was present?