#### **EXAM 1 STUDY GUIDE CRIMINAL LAW**

#### Chapter 1: Fundamentals of Criminal Law and Procedure

#### What is Criminal Law?

- Formal means of social control
- That branch of law prohibiting certain forms of conduct and imposing penalties on those who engage in prohibited behavior
- Core function is to punish wrongdoers

#### Substantive Law

- Prohibits certain forms of conduct by defining crimes and establishing the parameters of penalties
  - Possession of heroin, drunk driving i.e.

#### Procedural Law

- Regulates enforcement of the substantive law, the determination of guilt, and the punishment of those found guilty of crimes
  - Trial procedures, sentencing

#### 3 Fundamental Principles

- 1. Constitutional Supremacy: criminal law and procedure is subordinate to the U.S Constitution
- 2. Federalism: division between the national government and the 50 states
- Separation of Powers: the federal government and the states have separate/legislative, executive, and judicial branches

#### What is a Crime?

- Actus Reus or "wrongful act"
- Mens rea or "criminal intent"
  - Not the same as motive "guilty mind"
  - Having formed a mental purpose to act
  - Intentionally committed a prohibited act
  - Exceptions
- Felonies
  - More serious crimes.
  - Imprisonment for more than 1 year
- Misdemeanors
  - Less serious
  - Imprisonment for less than 1 year

#### ND Classifications of Crime (N.D.C.C. 12.1-32-01)

- Class AA felony max life without parole
- Class A felony max of 20 years and/or \$20,000 fine
- Class B felony max of 10 years and/or \$10,000 fine
- Class C felony max of 5 years and/or \$10,000 fine
- Class A misdemeanor max of 1 year or fine of \$3,000
- Class 8 misdemeanor max of 30 days or fine of \$1,500
- Infraction max fine of \$1,000

# **Fundamentals Of Criminal Law Study Guide**

**R Bogdan** 

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