

Business Law Chapter 2

Crime – an act against the _____, punishable by a fine, _____, or both
- No act can be _____ a crime unless it is _____ by the law of the place where it is _____ and unless that law provides for the _____ of offenders

Criminal Proceedings – the state or federal government, _____ the public at large, is the

- Government is the Prosecutor – the party _____ the person of a crime
- Defendant – the person who _____ of a crime

Felony – a _____ punishable by _____ or death

- Examples: _____, _____, _____, _____, and _____

Federal comprehensive Crime Control Act – defines _____ as “any offense punishable by death or imprisonment for a term _____”

_____ – a less serious crime with a less severe _____

- penalty is fine or _____ in a _____ or city jail
- Examples: driving an _____ without a license, lying about _____ to purchase _____ beverages, and leaving the _____ of an automobile accident
- Some states classify _____ as minor misdemeanors or _____ offenses
 - o Traffic offenses and parking _____

Elements of a _____

A crime is defined by 2 elements: the _____ act and the required _____ of mind

_____ – Each _____ that defines a crime must specifically explain the conduct that is _____.

_____ – is specified in the statute that _____.

The lack of _____ does not remove _____. If the person has committed the crime and has the _____, he or she is criminally liable.

Crimes are grouped under three headings:

crimes against _____

crimes against _____

crimes against _____

Crimes Against People

_____ – the unlawful killing of another human being with _____

First Degree Murder – (1) killing someone with _____ or (2) killing someone in a _____, such as torture or (3) killing someone while committing a felony, such as rape, _____ – If 1, 2 or 3 does not apply to the murder, it is considered second-degree murder.

- Second-degree murder is different from first-degree murder, which is a _____, _____ killing or results from a _____ crime such as arson, rape, or armed robbery.
- First-degree murder usually carries the _____, second-degree murder does not.
- Exact distinctions on degree vary by _____.

_____ – the unlawful killing of another human being without _____ (evil intent) and thought.

_____ Manslaughter – the _____ very upset before the killing – occurs when one person intends, at the time the act is committed, to kill another but does so suddenly and as the _____

Involuntary _____ – when one person, while committing an _____ kills another. There is no intent to kill.

Homicide - The killing of a human being due to the act or omission of another. Included among homicides are _____, but not all homicides are a crime, particularly when there is a lack of _____.

- Non-criminal homicides include _____, a misadventure like a hunting accident or automobile wreck without a violation of law like reckless driving, or legal (government) execution.
- _____ is a homicide, but in most cases there is no one to prosecute if the _____ is successful. _____ suicide can be a crime.

Assault and Battery - In most states are _____

Battery - unlawful _____

- Must have criminal _____
- Ex.: giving poison or drugs to an _____; forceful use of a person's hand, knife or gun; _____ someone's face; siccing a dog on someone; kissing someone who does not want to be kissed

Assault – an attempt to _____

(Pointing or shooting a gun at _____; the bullet striking the person is the battery)

Aggravated _____ Battery

- _____ in most states
- The _____ has to be committed with a deadly weapon, with the intent to murder, with the intent to _____, or with the intent to commit robbery

Kidnapping – the unlawful removal or _____ against the person's will

- Usually _____ to be a captive

Sex Offenses – extremely _____ because victims are hurt physically, emotionally and psychologically

Statutory rape – applies _____ / the consent of the _____ does not matter (under 16)

Crimes Against Property (_____, _____, _____, _____, and _____)

Burglary - (originally under common law) the breaking (opening) and _____ of a dwelling house at night with the intent to commit a _____
(Currently the definition includes): _____ in the daytime. Breaking and entering a place that is not a dwelling _____ and breaking and entering with the intent to commit a _____

Larceny (stealing) – unlawful _____ away of personal property of another with the intent to deprive the owner of it. _____ – is a form of larceny

- Petty Larceny - a _____ (stealing property that with a value of \$300 _____)
- Grand Larceny – a _____ (stealing property valued at _____ \$300)

Embezzlement – a form of _____ (taking another's _____ by the person that has been _____ with that property)

Example: grocery clerk taking the _____ instead of putting it in the cash register / treasurer of business taking money / bank teller/ pto treasurer takes money

Robbery – The _____ and carrying away of the personal property of another accompanied by _____ or _____

- Taking of something from the _____ or close to the body of the victim by the use of _____, _____, or _____

Arson – the willful and malicious _____ of the dwelling house or other building of another

Crimes against Business _____ (Larceny by False _____, _____, _____ and _____, Computer _____)

Larceny by False Pretenses (Con by a _____) – the taking of someone's _____ or _____ by intentionally _____ that person

- Intended to _____
- Statements made induce the victim to _____

Forgery – the false making or changing of a _____ with the intent to _____

- _____ of another person's name _____ to a check or other document

Bribery and Extortion – paying or giving _____ of value to _____ in order to _____ their official activity

- _____ is fine of not more that \$20,000 or three times the _____ equivalent of the _____, whichever is _____, or imprisonment for not more than _____ or both
- The person _____ the bribe may be _____ from holding the federal office

- Extortion, under common law, is the _____ or a thing of value by a public official
 - The victim _____ to give up the money or property, but does so

Defenses to Crimes – _____, _____, _____, and _____

Insanity – a person is _____ if “as a result of _____ or defect he or she lacks substantial _____ either to appreciate the _____ of his conduct or to conform his conduct to _____ of law.”

- American Law Institute (ALI) has developed a modern insanity test.
- About 3/5 the of the states follow the _____
- If found _____ by reason of insanity, people are _____ to institutions and must undergo periodic _____ examinations. Once they are found to be _____, they are _____.
- Some states _____ buy mentally ill pleas
 - The defendant is _____ until cured and then _____ a number of years in a _____

Entrapment – a _____ a law-abiding citizen to _____ a crime
The crime _____ had it not been for the inducement of the officer

Self-Defense – when persons have _____ to believe that they are in _____ of _____ or death and they use force to _____ themselves.

- Except in one’s _____, the person claiming _____ must retreat before resorting to _____.
- Must show that he/she _____ the altercation
- Must not have used more _____

Defense of a Family Member – force is used _____ a family member who has been _____

- must have _____ to believe that the victim was in danger of _____ bodily injury or even _____
- _____ need not retreat if the _____ place in his/her own _____

Sentencing Convicted Criminals – _____, _____, the

Sentence – an _____ punishment

Fines – the _____ of a specified amount of money as a penalty for _____ a crime

- lesser crimes only a _____
- serious crimes _____

Imprisonment

Different ways to approach imprisonment

- _____ a minimum and a maximum amount of _____
 - minimum is the for _____ spent behind bars
 - could be released before _____ for good behavior
- sentencing can be for a _____ amount of time
 - judge hands down the _____ of years to serve
 - may be lessened for _____

- is the _____ under which the _____ is sentenced calls for the _____ sentence, good behavior is not an _____

Death Penalty – (<http://deathpenaltyinfo.msu.edu/>)

Murder Trials must go through _____

- 1st phase – the jury determines the _____ of the person
- 2nd Phase – (_____ hearing) the judge or jury listens to the _____; arguments and _____ other evidence to help determine the _____ to be given.
- 3rd Phase – an appeal to the state's _____
- Only when these _____ are complete can the death penalty be _____.

Criminal Law in the American System

- Two systems: _____ system and _____ system

State Criminal System

- Each state government has _____
- Allows states to protect the _____, safety, welfare, and _____.
- Exact definitions and _____ for crimes _____ from state to state

Federal Criminal Law

- Have _____ police power
- Can only create _____ over which it has _____
 - o Ex. Counterfeiting because it has _____
- Do have several _____ police agencies
 - o Federal Bureau of Investigation (FBI)
 - o Drug Enforcement Agency (DEA)
- The power comes from Commerce Clause to U.S. Constitution
- Congress can _____ commerce among the states
-

Treason – (defined by U.S. Constitution) need a _____ in open court or testimony of _____ to convict someone of treason

Double Jeopardy- _____ to the Constitution guarantees that no person can be tried _____ for the _____ crime.

- Federal and State systems of justice sometimes _____
- (both federal and state laws address the manufacture, sale, and use of illicit drugs)
- An individual may be tried _____ for the _____ in two _____ courts but not the same court twice

Hate Crimes – The use of certain _____, _____, _____, or _____ to cause fear or anger in people because of their _____, _____, _____, or _____.

- A statute can _____ or symbols that are designed to rouse _____ or _____ regardless of the content of that speech
- A statute cannot make it illegal to use _____ designed to incite outrage or _____ based on only race, religion, color gender, or any similar category.

Crimes against Property

Vandalism – willful or malicious _____ to property and may also be called _____ mischief or _____ damaging

- A “_____” can also be charged with vandalism

Shoplifting – The act of stealing goods from a _____

- Costs American consumers _____ of dollars each year
- Shoplifting _____, extra _____ – increase prices _____
- Many states have laws that regard the _____ on one’s person of an article of merchandise to be _____ evidence of the _____ to steal.

Motor Vehicle Violations

- A license to drive is a _____ and may be suspended _____ or _____
- Drag racing – unauthorized racing of _____ side by side and the timing of vehicles that _____ run a prearranged course
- Joyriding – when someone temporarily _____ a motor vehicle without the _____ permission
- All participants are held _____, not just the _____

Crimes Involving Controlled Substances

- Drug abuse is a _____ problem in our society
- Alcohol
- major _____ found in beer, wine, whiskey, and other distilled beverages
- Most commonly used _____ in the United States
- Selling alcohol to _____ is _____ and is penalized by _____, _____ or both, and may lose the license to sell alcohol
- The _____ individual may also be _____ for making the illegal purchase
- Drugs
- Chemicals that _____ the functions of the _____ or _____.
- _____, _____, or _____ of certain drugs may violate a federal law, a state law, or both. Each state sets its own penalties in relationship to drug offenses. The _____ of drugs is always considered a more _____ than the mere possession of use of drugs. It is also a crime to _____ drugs away.

Computer Crimes

- Federal Crimes and Laws
 - o The Computer Fraud and abuse act is specifically aimed at computer _____. Hackers gain unauthorized entry to a _____, generally to do some sort of _____. The National Information Infrastructure Act is designed to _____ the practice of _____ money or other favors in exchange for not causing a computer system to _____.
- State Crimes and Computers
 - o Some states have created the crime of computer _____, which simply outlaws using a _____ to commit any crime. Other states have passed computer fraud statutes, which make it an offense to use a computer to acquire _____, services, or money by fraud. Some states have a detailed list of computer-related crimes, including _____ of computer services, destruction of _____, and misuse of computer _____.