

Criminal Justice: An Overview of the System

Module 3: Criminal Law

3.5: Substantive Offenses

Arson: At common law, arson was defined as "the malicious burning of the dwelling of another."

Assault: At common law, an offense defined as an "intentional act by one person that creates an apprehension in another of an imminent harmful or offensive contact."

Battery: A crime defined by unwanted physical contact, most often requiring that some harm be done to the victim.

Burglary: Entering or remaining unlawfully in a structure with the intent to commit a crime therein.

Carnal Knowledge: The act of a man having sex with a woman.

Commercial Burglary: The entry into a non-residential structure to commit either a theft or any felony.

Common Law Arson: At common law, arson was defined as "the malicious burning of the dwelling of another."

Delinquent: A juvenile who has committed an act that would be called a "crime" if the actor was an adult.

Dependent and Neglected Children: A classification of children in the courts because they are in need of care and supervision, not because of delinquent activity.

Depraved Heart Murder: A killing as a result of gross negligence or what the Model Penal Code calls a "wanton disregard for the value of human life."

Dwelling House: A structure that someone lives in as opposed to a commercial structure or an abandoned house.

Felony Murder Rule: A common law doctrine meaning that when a person caused the death of another person during the commission of a felony, then the actor was guilty of murder, regardless of the intent to kill.

Grievous Bodily Harm: A deliberate serious bodily injury inflicted on one person by another.

Lesser-included Offense: A crime that makes up part of the legal definition of a more serious offense, such as a breaking and entering that some burglary statutes require.

Marital Rape: A rape committed by a person who is married to the victim.

Murder: At common law, murder was the killing another human being with malice aforethought.

Rape: Under common law, rape was defined as intercourse by a man against a woman who is not his wife by force or threat and against her will.

Rape Shield Laws: Laws that prohibit asking the victim of rape about her past sexual history in court in order to attack her character.

Rebuttable Presumption: A fact that the court will assume to be true unless a party to the case presents evidence that proves otherwise.

Residential Burglary: With the intent to commit a crime against a person or property therein, a person enters or remains unlawfully in a dwelling.

Robbery: At common law, robbery was the taking of the property of another, with the intent to permanently deprive the person of that property, by means of force or fear.

Sexual Battery: Any unwanted sexual contact for the purpose of sexual arousal or gratification; many jurisdictions grade this offense based on the degree of harm done to the victim.

Status Offender: A juvenile who has committed an act that would have been legal if the juvenile was an adult, such as possession of alcohol.

Status Offense: An act that is prohibited because of the age of the actor, and which would not be a crime if committed by an adult.

Truancy: A juvenile staying away from school without a valid excuse.