

Course Outline

COURSE: AJ 14 **DIVISION:** 50 **ALSO LISTED AS:**

TERM EFFECTIVE: Spring 2018 **CURRICULUM APPROVAL DATE:** 05/08/2017

SHORT TITLE: CRIMINAL LAW

LONG TITLE: Criminal Law

<u>Units</u>	<u>Number of Weeks</u>	<u>Type</u>	<u>Contact Hours/Week</u>	<u>Total Contact Hours</u>
3	18	Lecture:	3	54
		Lab:	0	0
		Other:	0	0
		Total:	3	54

COURSE DESCRIPTION:

Historical development, philosophy of law and constitutional provisions; definitions, classifications of crime, and their applications to the system of administration of justice; legal research, review of case law, methodology, and concepts of law as a social force. Explores crimes against persons, property, and the state. (C-ID: AJ 120) ADVISORY: AJ 10; Eligible for English 250 and English 260.

PREREQUISITES:

COREQUISITES:

CREDIT STATUS: D - Credit - Degree Applicable

GRADING MODES

L - Standard Letter Grade

REPEATABILITY: N - Course may not be repeated

SCHEDULE TYPES:

02 - Lecture and/or discussion

72 - Dist. Ed Internet Delayed

73 - Dist. Ed Internet Delayed LAB

STUDENT LEARNING OUTCOMES:

1. Discuss the goals and characteristics of criminal law.

Measure of assessment: written exam, workbook assignment

Year assessed, or planned year of assessment: 2018

Semester: Spring

2. Explain the adversary system and sources of criminal law.

Measure of assessment: written exam, workbook assignment

Year assessed, or planned year of assessment: 2018

Semester: Spring

3. Discuss the philosophical and historical evolution of criminal law, noting the role of the judiciary in its development.

Measure of assessment: written exam, workbook assignment

Year assessed, or planned year of assessment: 2018

Semester: Spring

4. Explain the basic terminology, definitions, and theories of criminal law.

Measure of assessment: written exam, workbook assignment

Year assessed, or planned year of assessment: 2018

Semester: Spring

5. Identify elements of offenses against the person, property, morals, and public welfare.

Measure of assessment: written exam, workbook assignment, paper

Year assessed, or planned year of assessment: 2018

Semester: Spring

6. Classify crimes according to severity.

Measure of assessment: written exam, workbook assignment, paper

Year assessed, or planned year of assessment: 2018

Semester: Spring

7. Explain the concept of lesser included offenses.

Measure of assessment: written exam, workbook assignment

Year assessed, or planned year of assessment: 2018

Semester: Spring

8. Explain capacity to commit crime, causation, and culpability.

Measure of assessment: written exam, workbook assignment

Year assessed, or planned year of assessment: 2018

Semester: Spring

9. Critically analyze various components of our system of criminal law.

Measure of assessment: written exam, workbook assignment, case study, paper

Year assessed, or planned year of assessment: 2018

Semester: Spring

10. Explain and discuss criminal defenses, legal justifications, and burdens of proof.

Measure of assessment: written exam, workbook assignment, case study, paper

Year assessed, or planned year of assessment: 2018

Semester: Spring

CONTENT, STUDENT PERFORMANCE OBJECTIVES, OUT-OF-CLASS ASSIGNMENTS

Curriculum Approval Date: 05/08/2017

3 Hours

CONTENT: SCOPE AND SOURCE OF CRIMINAL LAW.

Origin and development of criminal law. Sources of criminal law. The purpose and nature of criminal law. Concepts of Stare Decisis. Classification of laws. Statute of limitation. Case citations and appeals. Attorney General opinions. Police power of the state. The concept of preemption. Ex Post Facto laws. Distinction between crimes and torts. Definition of terms. Venue and jurisdiction.

STUDENT PERFORMANCE OBJECTIVES (SPO): Explain what occurred during the Westminster Period in English courts which has an effect on today's courts. Describe how the concepts of English common law

were first adopted in America. Define the term "common law" and discuss its impact in criminal cases. Diagram the three sources of law and explain how they are interrelated. Describe the fundamentals of the adversarial system. Discuss the goals and characteristics of criminal law. Identify the classification of laws. Describe the statute of limitation. Define and give an example of "police power" of the state. Define an ex post facto law and discuss its legal effect. Explain the difference between a crime and a tort. Explain the difference between a mala in se and a mala prohibita crime. Define and give an example of a crime considered crimen falsi. Explain what is meant by venue and jurisdiction as they apply to the court. Identify the proper courts for the prosecution of crimes.

3 Hours

CONTENT: CLASSIFICATION OF CRIMES AND PENALTIES. Quiz.

Language of criminal statutes. Vague and indefinite statutes. Construction of penal statutes. Conflict between statutes. Penal code terms defined. Felonies, misdemeanors, and infractions defined. Punishment for offenses not otherwise prescribed. Initiative measures. Major Proposition 8 and 115 changes. Prior conviction - penalty enhancement.

SPO: Identify the elements of a crime. List what two things must exist relative to statute law in order for an act or omission to be a crime. Discuss the language requirements in our criminal statutes and the legal effect of vague or indefinite statutes. Identify the difference between felonies, misdemeanors, and infractions. List the major changes brought about by passage of Propositions 8 and 115. Explain what is meant by "lesser and included offense."

3 Hours

CONTENT: THE ELEMENTS OF CRIME AND CORPUS DELICTI. Quiz.

Corpus delicti. The criminal act. Multiple offenses - punishment. Proximate cause. Criminal intent - how manifested. Types of intent. How intent is proved. Intent in negligence cases. Motive and intent distinguished. Intoxication as affecting intent. Diminished capacity.

SPO: Discuss the prosecution's responsibility relative to the corpus delicti in obtaining a conviction for any crime. Define a criminal act. Identify all crimes associated with a criminal act in order to build a criminal case. Define "intent" and describe the types of intent which must exist to constitute a crime. Give an example of a crime which involves each of the types of intent. Distinguish between motive and intent.

3 Hours

CONTENT: CAPACITY TO COMMIT CRIME - INSANITY DEFENSE. Quiz.

Persons capable of committing crime. Children under age fourteen. Mentally incapacitated. Ignorance or mistake of fact. Unconsciousness of act. Accident and misfortune. Crimes committed under threats. Insanity as a defense.

SPO: Define and provide examples of who is capable or incapable of committing a crime based on the statutes. List the exceptions to the rule that all persons are capable of committing crimes. Define and give an example of a case involving a "mistake of fact." State the defenses to crime which fall under the category of lack of capacity. Discuss the legal aspects of crimes committed under threats and coercion. Explain capacity to commit crime, causation, and culpability.

3 Hours

CONTENT: PARTIES TO CRIME. Quiz.

Principles of shared liability. Principles defined. Penal code provisions. Aid and abet defined. Co-principles equally guilty. Accessory defined. Accomplice defined. Feigned accomplice.

SPO: Describe how the definition of "principle" applies to felonies and to misdemeanors. List the elements that constitute the crime of accessory and analyze how an accessory differs from a principal. Explain the difference between aid and abet. Define the parties to a crime and explain their roles. Define corroboration.

3 Hours

CONTENT: ATTEMPTS - SOLICITATION - OBSTRUCTING JUSTICE - CONSPIRACY. Quiz.

Attempt defined. Abandonment of attempt. Possibility of completion. Solicitation to commit crime. Obstructing justice - compounding crimes. Perjury. Subornation of perjury. Bribery. Other bribery statutes. Falsification crimes. Conspiracy. Overt act in conspiracy. Agreement necessary in conspiracy. Abandonment of conspiracy. Criminal liability in conspiracy.

SPO: Describe at what point abandonment of an attempt is a defense to the crime. Define the following terms and categorize crimes that fall under them - attempts, solicitation, obstructing justice, and conspiracy. Explain how bribery of a witness differs from subornation of perjury.

3 Hours

CONTENT: LAWS OF ARREST. Quiz.

Arrest defined. Encounters and detentions. Peace officer defined. Peace officer status primary duty. Arrests by peace officers without warrant. Duty following arrest. Private person arrests. Misdemeanor citations. Probable cause to arrest. Entrapment. Accomplishing the arrest. Resisting arrest. The Miranda admonishment. Arrest pursuant to warrant. Escape, pursuit, and retaking. Posse comitatus. Threatened offenses. Diplomatic immunity. Arrested person's rights. Law enforcement and civil liability.

SPO: State three typical defenses to a civil action for false arrest. Define "arrest." Describe who can make arrests and how they are done. Define probable cause to arrest. Name the four "elements" of the Miranda decision warning and discuss when it should be given. Name three instances where a peace officer may make an arrest without a warrant. Explain an arrested person's rights.

3 Hours

CONTENT: OFFENSES AGAINST THE PUBLIC PEACE. Midterm.

Disturbing the peace. Unlawful assembly. Failure to disperse. Rout and riot defined. Inciting a riot. Lynching - prisoner rescue. Disturbing public and religious meetings - hate crimes. Trespassing. Forcible entry and detainer. School disturbance laws. Disorderly conduct. Public security and safety.

SPO: Identify and define crimes relating to disturbing the peace. List the elements of "failure to disperse." Describe the difference between rout and riot. Define what constitutes a public place and a place open to the public. Discuss to what extent a meeting must be disrupted to constitute a violation of disorderly conduct.

3 Hours

CONTENT: DANGEROUS WEAPONS CONTROL LAWS. Quiz.

Seizure of weapons at domestic violence scene. Destructive devices, explosives and WMD. Less-lethal weapons. Weapons and devices other than firearms. Knives and similar weapons. Firearms.

SPO: Identify what an illegal weapon is and explain the applicable statute. Explain the legal definition of a concealable firearm. Name the type of intent necessary, including any exceptions, to violate the provisions of the Deadly Weapons Control Law. State when a person is said to be "in possession" of an illegal weapon.

3 Hours

CONTENT: TYPES OF ASSAULT. Quiz.

Simple assault. Battery. Exhibiting deadly weapon. Assault with a deadly weapon. Assault with caustic chemicals. Poisoning food-drink-water-medicine. Throwing objects or shooting at vehicles-dwellings-aircraft. Assault with intent to commit certain felonies. Administering stupefying drugs. Train wrecking. Mayhem. Abandonment of assault. Assaults - justification and excuse. Domestic violence. Victims of violent crime statute.

SPO: List the three elements of simple assault. Define battery and discuss the difference between simple assault and battery. Name the elements of assault with caustic chemicals. Define mayhem. Discuss the current requirements for advising victims of violent crimes of their rights. Identify the different types of nonsexual assault. State the current police requirements for advising victims of violent crimes of their rights under Government Code 13968(c).

3 Hours

CONTENT: HOMICIDES. Quiz.

Homicide defined. Murder defined. Degrees of murder. Penalty for murder. Proximate cause - felony murder rule. Manslaughter. Voluntary manslaughter. Involuntary manslaughter. Vehicle manslaughter. Excusable homicide. Justifiable homicide by public officers. Justifiable homicide by any person. Capital crimes.

SPO: Define the term "homicide." Explain the definition of murder. Explain the difference between express and implied malice. State the four circumstances under which a homicide by a private person is justifiable under PC 197. Define manslaughter and list the three kinds described in PC 192. Name the three circumstances a homicide by a public officer is justified under PC 196. Define "proximate cause" and describe its importance in a homicide case. Describe the various types of death by criminal agency, including the exceptions.

3 Hours

CONTENT: FALSE IMPRISONMENT - RESTRAINT CRIMES - KIDNAPPING - CHILD ABDUCTION - RAPE - UNLAWFUL SEXUAL INTERCOURSE. Quiz.

False imprisonment. Crimes of restraint. Kidnapping. Kidnapping for ransom - extortion - robbery - rape. Extortion by posing as kidnapper. Child abduction. Rape. Rape of spouse. Unlawful sexual intercourse.

SPO: Identify and explain the different types of crimes of restraint. Discuss if kidnapping requires general or specific intent. List the elements of child abduction. Explain the minimum restraint and confinement necessary to constitute false imprisonment. Define "constructive force" as it applies in rape cases. State the degree of force that is necessary to constitute "forcible rape."

3 Hours

CONTENT: PUBLIC SAFETY AND MORALS. Quiz.

Sexually explicit material. Harmful matter - minors. Contributing to delinquency of minor. Crimes against children. Sodomy and oral copulation. Incest. Indecent exposure. Annoying or molesting children. Loitering near schools - public places. Sex offender registration.

SPO: Explain the legal definition of the word "obscene." Identify and describe the crimes relating to public safety and morals. Classify crimes by their seriousness. List by name any five of the several crimes, conviction of which requires the perpetrator to register as a sex offender.

3 Hours

CONTENT: BURGLARY. Quiz.

Burglary defined. The act of entry in burglary. The intent in burglary. Structures subject to burglary. Degrees of burglary. Punishment for burglary. Burglary with explosives or acetylene torch. Possession of burglary tools - unauthorized keys - devices. Unlawful forced entry.

SPO: Explain the elements of burglary. List five types of structures, places, or vehicles which are not residences but which can be burglarized. Discuss the elements which differentiate first and second degree burglary. Identify the crimes of burglary. Explain the serious nature of these crimes.

3 Hours

CONTENT: ROBBERY AND EXTORTION. Quiz.

Robbery defined. Elements of robbery. Ownership and value of property. Miscellaneous aspects - increased penalty. Punishment for robbery. Extortion defined. Consent - force - fear - threats. Threat of unlawful injury. Attempted extortion. Obtaining signature by threat. Sending threatening letters. Penalty for extortion.

SPO: Explain how armed robbery differs in its corpus delicti from extortion. Discuss the element of "consent" as it applies to extortion. Define the elements of robbery and discuss the following factors: asportation, immediate presence, and force or fear. Discuss the force or fear requisite to the crime of extortion. Discuss the meaning of "dangerous" or "deadly" weapon as it applies to robbery.

6 Hours

CONTENT: THEFT AND EMBEZZLEMENT. Quiz. Review for final.

Theft defined. The act of taking in theft. The intent in theft. Analysis of types of theft. Theft in general. Theft by false pretenses. Theft by trick or device. Theft by embezzlement. Theft of access cards. Theft of lost property. Degrees of theft. Punishment for theft. Petty theft prior convictions. Separate multiple thefts. Receiving or concealing stolen property. Related thefts. Disposal of stolen property by officials. Defrauding an innkeeper. Articles with serial numbers removed, altered.

SPO: Define theft. Name the four basic elements of theft. Identify the crime of theft and the many ways it can be committed. Define the term embezzlement. Explain the elements of embezzlement. Discuss the three elements of receiving stolen property.

2 Hours

OUT OF CLASS ASSIGNMENTS:

Required Outside Hours: 54

Assignment Description: OUT-OF-CLASS-ASSIGNMENT: Read appropriate textbook chapters and answer the student workbook study guide questions. Review notes. Study for quizzes/midterm/final.

Required Outside Hours: 27

Assignment Description: Work on case study paper - such as: Explain the responsibility of a principal who aids another in taking drugs as described in *People v. Hopkins*. Homework: Writing assignment 1 - such as - Discuss: According to the U.S. Supreme Court, the Eighth Amendment forbids executing murderers who are "mentally retarded." What is the test of retardation, and how does this differ from insanity? Homework: Writing assignment 2 - such as - Discuss: The California Supreme Court has ruled that even if an act of sexual intercourse begins con-sensually, it becomes rape at the point where one person withdraws consent and tells the other person to stop. What problems would investigation and prosecution of such cases involve?

Required Outside Hours: 27

Assignment Description: Paper/project - such as: PBS presentation on American Porn - Based on your knowledge of the California Penal Code as it relates to the crimes of public safety and morals, define why or why not you believe that the production of pornographic entertainment violates the statute(s). List the elements of the statutes and locate and cite your sources. Discuss the issue of dramatic or real violence in the pornographic industry and decide whether or not you believe there is a relationship between violence in entertainment and criminal violence. You need to support your comments with documented sources.

METHODS OF INSTRUCTION:

Lecture, discussion, multi-media presentations.

METHODS OF EVALUATION:

Writing assignments

Percent of total grade: 40.00 %

Percent range of total grade: 20 % to 60 % Written Homework, Term or Other Papers

Objective examinations

Percent of total grade: 60.00 %

Percent range of total grade: 60 % to 80 % Multiple Choice, True/False, Matching Items

REPRESENTATIVE TEXTBOOKS:

Required Representative Textbooks

Derald D. Hunt and Devallis Rutledge. California Criminal Law Concepts. Pearson Learning Solutions,2016.

Reading Level of Text, Grade: 12th Verified by: Verified by:MS Word

ARTICULATION and CERTIFICATE INFORMATION

Associate Degree:

CSU GE:

IGETC:

CSU TRANSFER:

Transferable CSU, effective 198930

UC TRANSFER:

Transferable UC, effective 198930

SUPPLEMENTAL DATA:

Basic Skills: N

Classification: Y

Noncredit Category: Y

Cooperative Education:

Program Status: 1 Program Applicable

Special Class Status: N

CAN: AJ4

CAN Sequence: XXXXXXXX

CSU Crosswalk Course Department: AJ

CSU Crosswalk Course Number: 14

Prior to College Level: Y

Non Credit Enhanced Funding: N

Funding Agency Code: Y

In-Service: N

Occupational Course: C

Maximum Hours:

Minimum Hours:

Course Control Number: CCC000299279

Sports/Physical Education Course: N

Taxonomy of Program: 210500