

Chapter 9

9.1 Self Check

1. What is the difference between assault and battery, and why are the two sometimes confused with each other?

Assault is an incomplete battery that is characterized by offensive touching and/or the intentional frightening of the victim. Battery is more serious than assault because it involves the use of direct force. The two terms are sometimes confused because they are very similar.

2. Describe the trend to eliminate mayhem.

In many jurisdictions and under the MPC, the concept of mayhem is considered outdated and has been replaced with aggravated battery.

9.2 Self Check

1. How have recent laws changed the ways in which rape victims are treated at trials?

Recently, rape shield laws have been created to forbid prosecutors from asking rape victims questions about their sexual past. This is because such questions, although completely irrelevant to the case, have been used in the past to sway juries into believing that the rape victim “deserved” it.

2. How does Megan’s Law protect a community from recidivism among sexual offenders?

By allowing a community to know about the existence of its sexual offenders, Megan's Law enables them to take protective measures to keep their children away from such offenders.

9.3 Self Check

1. How does viability affect the prosecution of feticide cases?

Many jurisdictions state that feticide has occurred in homicide cases that involve fetuses that have already reached viability.

2. What are the differences in how social workers and prosecutors treat emotional abuse, physical abuse, sexual abuse, and neglect of children?

Emotional abuse is generally handled informally, such as by requiring the parent to take parenting classes. Physical and sexual abuse are generally considered the most serious and are subject to criminal charges; neglect can be equally serious and also result in criminal charges, although if it has less serious consequences it can be handled informally. Physical and sexual abuse, as well as child neglect, can lead to a child being removed from the home.

9.4 Self Check

1. How have laws changed regarding kidnapping?

At common law, kidnapping was a misdemeanor that referred mainly to taking people outside the country. Today, it is a serious felony that involves the unlawful abduction of a person to any location.

Criminal Law for the Criminal Justice Professional
SELF CHECK ANSWER KEY

2. Explain the Parental Kidnapping Prevention Act.

The Parental Kidnapping Prevention Act requires states to enforce child custody decisions entered by a court of another state if the custody decision is consistent with provisions of the act.