

1 California Criminal Law (3d), Introduction to Crimes

I. NATURE OF CRIMINAL LAW

- A. [§1] In General.
- B. [§2] Commentary.
- C. [§3] Scope of Treatment.
- D. [§4] Nature of Crime.
- E. [§5] Criminal, Civil, and Quasi-Criminal Proceedings.
- F. [§6] Contempt.
- G. [§7] No Common Law Crimes.

II. CRIMINAL STATUTES

- A. [§8] In General.
- B. [§9] Uniform and Model Acts and Codes.
- C. Ex Post Facto Law.
 - 1. [§10] Nature of Protection.
 - 2. [§11] Illustrations of Ex Post Facto Laws.
 - 3. [§12] Valid Changes in Evidence and Procedure.
 - 4. [§13] Ameliorative Changes.
 - 5. [§14] Recidivist Statutes.
 - 6. [§15] Other Valid Statutes.
 - 7. [§16] Distinction: Retroactive Judicial Decision.
- D. Interpretation.
 - 1. [§17] Rule of Strict Construction Abolished.
 - 2. Legislative Purpose Controls.
 - (a) [§18] General Principle.
 - (b) [§19] Illustrations.
 - 3. Words of Statute.
 - (a) [§20] Departure From Literal Meaning.
 - (b) [§21] Literal Meaning Applied.
 - 4. [§22] Rule of Eiusdem Generis.
 - 5. [§23] Rule of Expressio Unius Est Exclusio Alterius.
 - 6. Construction Favorable to Defendant.
 - (a) [§24] General Rule.
 - (b) [§25] Exceptions.
 - 7. [§26] Statute Considered as a Whole.
 - 8. [§27] Construction Favoring Validity.
 - 9. [§28] Title of Law.
 - 10. [§29] Legislative History.
 - 11. [§30] Amendment or Reenactment.
 - 12. [§31] Particular Terms.
 - 13. [§32] Other Rules.
- E. Prospective Application.
 - 1. [§33] General Rule.
 - 2. Amendment Changing Procedure or Punishment.

- (a) [§34] In General.
 - (b) [§35] Less Severe Punishment.
 - (c) [§36] Penalty Enhancement.
 - (d) [§37] Elimination of Criminal Sanctions.
 - (e) [§38] Amendment During Probation.
 - (f) [§39] Amendment After Final Judgment.
- F. Constitutional Requirement of Certainty.
- 1. [§40] Doctrine and Theory.
 - 2. Invalid Statutes.
 - (a) [§41] Federal Decisions.
 - (b) [§42] California Decisions.
 - 3. Valid Statutes.
 - (a) [§43] Common Law Meaning.
 - (b) [§44] Meaning Known to Class.
 - (c) [§45] Meaning Ascertainable From Special Sources.
 - (d) [§46] Meaning Ascertainable From Case Law.
 - (e) [§47] Meaning Defined by Court.
 - (f) Words Understood by Ordinary Person.
 - (1) [§48] In General.
 - (2) [§49] Cases Applying the Rule.
 - (g) [§50] Differences Between Statutory and Dictionary Usage.
 - (h) [§51] Statute Requiring Specific Intent.
- G. Conflicting and Duplicating Statutes.
- 1. Municipal Ordinance and State Law.
 - (a) [§52] In General: Direct Conflict.
 - (b) Where State Preempts Field.
 - (1) [§53] Nature of Rule.
 - (2) [§54] Test of Preemption.
 - (3) [§55] Illustrations: Ordinances Held Invalid.
 - (c) Where No Conflict or Preemption.
 - (1) [§56] Local Regulation Allowed.
 - (2) [§57] Illustrations: Ordinance Held Valid.
 - (d) [§58] Legislative Authorization of Local Regulation.
 - 2. Duplicating State Laws.
 - (a) [§59] General Principles.
 - (b) [§60] Illustrations: Special Statute Controlling.
 - (c) [§61] Illustrations: Special Statute Not Controlling.
 - 3. State and Federal Laws.
 - (a) [§62] General Principles.
 - (b) [§63] Retroactive Effect of Federal Statute.
 - (c) [§64] Invalid State Statutes.
 - (d) [§65] Valid State Statutes.
- H. Repeal and Amendment.
- 1. Repeal and Saving Clause.
 - (a) [§66] Statutory Saving Clause.
 - (b) [§67] Repeal of Repealing Statute.

- (c) [§68] Distinction: Reenactment.
- 2. [§69] Amendment.

III. CLASSIFICATION OF CRIMES

- A. [§70] In General.
- B. [§71] Where Statute Is Not Express.
- C. Felony-Misdemeanor.
 - 1. [§72] Test.
 - 2. [§73] Where Court Fails To Enter Judgment.
- D. [§74] Misdemeanor-Infraction.
- E. Importance of Distinction.
 - 1. [§75] Felony or Misdemeanor.
 - 2. [§76] Misdemeanor or Infraction.

IV. PARTIES TO CRIME

- A. Principals and Accessories.
 - 1. [§77] Principals.
 - 2. Aiding and Abetting.
 - (a) In General.
 - (1) [§78] What Constitutes Aiding and Abetting.
 - (2) [§79] Presence.
 - (3) [§80] Conspiracy and Acting in Concert Distinguished.
 - (4) [§81] Illustrations.
 - (b) Liability for Reasonably Foreseeable Offenses.
 - (1) [§82] Nature of Analysis.
 - (2) [§83] Foreseeability Depends on Circumstances.
 - (3) [§84] Instructions.
 - (c) Legal Disability.
 - (1) [§85] Where Perpetrator Is Under Legal Disability.
 - (2) [§86] Where Abettor Is Under Legal Disability.
 - (d) Intent.
 - (1) [§87] Requirement.
 - (2) [§88] Nature of Intent.
 - (3) [§89] Illustrations.
 - 3. Accessories.
 - (a) [§90] Definition.
 - (b) [§91] Distinguished From Principals.
- B. Crime Committed by Agent.
 - 1. Liability of Principal.
 - (a) [§92] Principal Acting Through Agent.
 - (b) [§93] Principal Not Liable in Absence of Intent.
 - (c) [§94] Principal Liable Where Intent Unnecessary.
 - 2. Liability of Agent.
 - (a) [§95] General Rule of Liability.
 - (b) [§96] Nonparticipating Corporate Officer.

V. REFORM OF CRIMINAL LAW

- A. [§97] Agencies and Projects of Reform.
- B. [§98] Attitudes Toward Criminal Justice.
- C. Compensation of Private Citizens.
 - 1. [§99] Victims of Crime.
 - 2. [§100] Other Persons.
- D. [§101] Compensation of Persons Erroneously Convicted.
- E. Proposition 8 (Victims' Bill of Rights).
 - 1. [§102] Constitutional Provisions and Statutes.
 - 2. [§103] Declaration of Intent.
 - 3. [§104] Constitutional Challenges Rejected.
 - 4. [§105] Proposition 8 Not Retroactive.
- F. Proposition 115 (Crime Victims Justice Reform Act).
 - 1. [§106] Constitutional Provisions and Statutes.
 - 2. [§107] Declaration of Intent.
 - 3. [§108] Construction of Rights Under United States Constitution.
 - 4. [§109] Constitutional Challenges.
 - 5. [§110] Application to Pending Cases.
- G. Rights of Victims and Witnesses.
 - 1. [§111] In General.
 - 2. [§112] Sex Crimes.
 - 3. Mandatory AIDS Testing.
 - (a) [§113] Proposition 96.
 - (b) [§114] Other Statutes.
- H. [§115] Proposition 184 (Three Strikes).
- I. [§116] Proposition 21.

VI. WHITE COLLAR CRIME AND REGULATORY OFFENSES

- A. [§117] In General.
- B. [§118] Investigatory and Procedural Issues.
- C. [§119] Enhancement and Punishment Issues.
- D. [§120] Business Offenses.
- E. [§121] Employment Offenses.
- F. [§122] Environmental, Health, and Safety Offenses.
- G. [§123] Financial, Securities, and Tax Offenses.
- H. [§124] Fraud and Related Offenses.
- I. [§125] Offenses Against Governmental Authority.
- J. [§126] Real Property Offenses.
- K. [§127] Technology and Telecommunications Offenses.
- L. [§128] Federal Statutes.