

## BASIS PREMISES OF THE CRIMINAL LAW

A. Conduct to be criminal must consist of something more than a mere bad state of mind: Actus Reus is required: Conduct, Results, Circumstances defined in statutes.

B. Conduct to be criminal must consist of something more than mere action (or non-action where there is a legal duty to act): Some sort of bad state of mind is needed: Mens Rea.

C. Physical conduct and mental state must concur: Mental state actuates the act.

D. Only harmful conduct should be made criminal: A Statute must bear some reasonable relation to injury to the public.

E. "...as to those crimes which require not only some forbidden conduct but also some particular result of that conduct, the conduct must be the "legal cause" (often called "proximate cause") of the result: Causation.

F. A person engaged in criminal conduct may only be subject to legally prescribed punishment.

G. Conduct is not criminal unless forbidden by law which gives advance warning that such conduct is criminal: "The principle of legality": No crime or punishment without law.

1. Ex post facto provision
2. Strict construction of criminal statutes
3. Void-for vagueness doctrine
4. Trend away from open ended common law crimes