

Criminal Justice: An Overview of the System

Module 3: Criminal Law

3.3: Elements of Crimes

Actual Possession: Having physical control or custody over something.

Actus Reus: The act or omission that a statute seeks to prohibit.

Causation: An element of some crimes that requires that the criminal act (actus reus) cause the harm the law seeks to prohibit.

Concurrence: An element of crimes requiring that the criminal act (actus reus) be a product of the criminal intent (mens rea).

Constructive Possession: The legal doctrine of a person being in possession of an object even when they were not in actual physical control of the object at the time.

Elements (of crimes): A set of facts that must be proven to convict a defendant of a particular crime.

Harm: For crimes that name a particular harm that the law seeks to prohibit (such as the killing of a person in murder), the harm must actually occur.

Knowingly: A culpable mental state that requires the actor to be aware of the nature of his or her action; the actor knew what would happen when he or she acted.

Malice Aforethought: A deliberate, premeditated intent to cause a criminal harm; an element of common law murder.

Model Penal Code: A model criminal code first developed by the American Law Institute (ALI) in 1962; adopted by many states.

Negligently: A culpable mental state specifying that the actor should have been aware of a substantial and unjustifiable risk.

Omission: Failure to perform a legally required act such as paying taxes or providing care to children; a type of actus reus in criminal law.

Possession: Having dominion or control over something; the actus reus of many crimes such as the possession of weapons or controlled substances.

Purposely: A culpable mental state requiring that the actor have the criminal act as his or her "conscious object;" the criminal harm was done on purpose.

Recklessly: A culpable mental state requiring that the actor consciously disregard a substantial and unjustifiable risk.