

Missouri Criminal Law Statutes Practice Test (Sample)

Study Guide



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SAMPLE

Questions

- 1. What does 'tampering' involve?**
 - A. Changing something for its improvement**
 - B. Interfering improperly with an item**
 - C. Aiding in the preservation of an object**
 - D. Making authorized repairs on someone else's property**
- 2. What is the requirement for a second-degree trespass?**
 - A. Failing to leave when asked**
 - B. Entering unlawfully onto the property of another**
 - C. Breaking and entering into a dwelling**
 - D. Acting with intent to commit a crime**
- 3. What is a voluntary act according to Missouri Criminal Law?**
 - A. A bodily movement**
 - B. Actions taken under emotional distress**
 - C. Reflexive reactions to stimuli**
 - D. Acts performed under duress**
- 4. Define "theft" under Missouri law.**
 - A. Taking someone's property without their knowledge**
 - B. Unlawfully taking someone's property with intent to permanently deprive the owner of it**
 - C. Borrowing someone's property without permission**
 - D. Shoplifting items from a store**
- 5. How is a Class B felony defined in Missouri law?**
 - A. A crime punishable by less than 5 years**
 - B. A crime punishable by 1 to 4 years**
 - C. A crime for which a maximum sentence of 5 to 15 years may be imposed**
 - D. A crime punishable by life imprisonment**

- 6. What does Missouri's "Three Strikes" law primarily target?**
- A. First-time offenders**
 - B. Minor property crimes**
 - C. Repeat offenders of serious violent crimes**
 - D. Traffic violations**
- 7. Which of the following is considered evidence of deliberation in first-degree murder?**
- A. Spontaneous decision**
 - B. Simple altercation**
 - C. Planning and bad-blood between parties**
 - D. Accidental circumstances**
- 8. What is "vehicular manslaughter" in Missouri?**
- A. Causing a death while driving under the influence**
 - B. Causing death through negligent or reckless driving**
 - C. Intentionally hitting someone with a vehicle**
 - D. The accidental death of a pedestrian**
- 9. What constitutes Arson under Missouri law?**
- A. Setting fire to an abandoned building**
 - B. Intentionally burning a building while endangering life**
 - C. Causing a fire to create a distraction**
 - D. Burning personal property without a permit**
- 10. Which of the following can indicate Intent to Distribute?**
- A. Size of the drug quantity**
 - B. Type of substance**
 - C. Culprit's previous record**
 - D. Witness testimonials**

Answers

SAMPLE

1. B
2. B
3. A
4. B
5. C
6. C
7. C
8. B
9. B
10. A

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Explanations

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1. What does 'tampering' involve?

- A. Changing something for its improvement
- B. Interfering improperly with an item**
- C. Aiding in the preservation of an object
- D. Making authorized repairs on someone else's property

Tampering typically refers to the act of interfering improperly with an item or object in a way that can cause damage, alteration, or disruption. This concept is often associated with criminal law, where it encompasses actions like modifying, altering, or damaging property or evidence with the intent to obstruct, conceal, or detract from its value or use. In Missouri law, tampering can relate to a variety of offenses, such as tampering with physical evidence or personal property. The emphasis is on the improper interference which implies a disregard for the rights of the rightful owner or for the lawful use of the item. Therefore, the focus is on actions that would undermine the integrity, functionality, or ownership of the item in question. The other choices reflect actions that do not align with the definition of tampering; for instance, making improvements to something or aiding in its preservation are not considered improper interference and typically involve legal or ethical conduct. Making authorized repairs, likewise, signifies permission and accountability, which are contrary to the essence of tampering.

2. What is the requirement for a second-degree trespass?

- A. Failing to leave when asked
- B. Entering unlawfully onto the property of another**
- C. Breaking and entering into a dwelling
- D. Acting with intent to commit a crime

A second-degree trespass in Missouri specifically involves unlawfully entering onto the property of another person. This means that an individual must intentionally go onto land or premises that they do not have permission to enter. The law considers entry without authorization as a key element in defining this offense, highlighting the importance of consent regarding property rights. Other options relate to different forms of conduct that do not fully capture the essence of second-degree trespass. For instance, failing to leave when asked could lead to a different legal interpretation, such as a potential charge of a lesser offense or even disorderly conduct, but it does not satisfy the specific legal definition of second-degree trespass on its own. Breaking and entering into a dwelling specifically involves an intent to commit an additional crime, which elevates the offense to a more serious charge, such as burglary, rather than simply trespassing. Although intent to commit a crime could be relevant in some trespassing scenarios, it is not a necessary condition for the establishment of second-degree trespass. In summary, the defining aspect of second-degree trespass is the act of entering unlawfully onto another's property, which distinctly sets apart this offense from related but separate criminal actions.

3. What is a voluntary act according to Missouri Criminal Law?

- A. A bodily movement**
- B. Actions taken under emotional distress**
- C. Reflexive reactions to stimuli**
- D. Acts performed under duress**

In Missouri Criminal Law, a voluntary act is defined as a bodily movement that is controlled by the individual. This concept is essential because criminal liability typically requires a voluntary act, meaning that the individual must have engaged in a conscious and intentional action. A bodily movement indicates that the action is under the person's control and not performed involuntarily. This definition excludes actions taken under emotional distress, reflexive reactions to stimuli, and acts performed under duress, as these do not reflect a voluntary choice made by the individual. Emotional distress can impair judgment, reflexive reactions are automatic responses not consciously directed, and duress involves compulsion by another party that negates the voluntariness of the act. Thus, a bodily movement stands out as the clear indicator of voluntary action in the framework of criminal law.

4. Define "theft" under Missouri law.

- A. Taking someone's property without their knowledge**
- B. Unlawfully taking someone's property with intent to permanently deprive the owner of it**
- C. Borrowing someone's property without permission**
- D. Shoplifting items from a store**

Under Missouri law, theft is specifically defined as the unlawful taking of someone's property with the intent to permanently deprive the owner of that property. This definition is critical because it emphasizes two key elements: the unlawful taking of property and the intent to permanently deprive the rightful owner of that property. The focus on intent is particularly important; without the intention to permanently deprive the owner, the act may not meet the criteria for theft. For instance, borrowing property, even without permission, does not imply the intent to permanently deprive the owner, which distinguishes such an act from theft. This definition provides a comprehensive understanding of what constitutes theft, ensuring that the legal framework targets genuinely unlawful acts rather than incidental or misunderstood behaviors like borrowing.

5. How is a Class B felony defined in Missouri law?

- A. A crime punishable by less than 5 years**
- B. A crime punishable by 1 to 4 years**
- C. A crime for which a maximum sentence of 5 to 15 years may be imposed**
- D. A crime punishable by life imprisonment**

A Class B felony in Missouri law is specifically defined as a crime for which a maximum sentence of 5 to 15 years may be imposed. This classification is significant because it establishes the framework within which various serious offenses are categorized and punished. Class B felonies in Missouri encompass a variety of serious crimes, and the stipulated sentencing range reflects the severity of these offenses relative to other classes of felonies. The importance of this classification lies in its implications for sentencing, parole eligibility, and the overall criminal record of an individual convicted of such a felony. It differentiates these crimes from less serious offenses, ensuring that those convicted of Class B felonies face appropriate legal consequences while providing a clear guideline for law enforcement and the judicial system in handling such cases. Understanding this definition is crucial for anyone studying Missouri criminal law, as it helps to clarify how various offenses are structured within the legal system and what kinds of penalties may be expected.

6. What does Missouri's "Three Strikes" law primarily target?

- A. First-time offenders**
- B. Minor property crimes**
- C. Repeat offenders of serious violent crimes**
- D. Traffic violations**

Missouri's "Three Strikes" law is designed to impose harsher penalties on individuals who are repeat offenders of serious violent crimes. This legislative measure identifies and targets individuals who have been convicted of multiple serious offenses, reinforcing the idea that repeated violent behavior poses a significant threat to public safety. The law typically mandates that after a person is convicted of three serious violent felonies, they may be subjected to a much longer prison sentence, potentially life imprisonment. This approach serves as both a deterrent to potential offenders and a way to remove habitual violent offenders from society, thereby aiming to reduce the prevalence of serious crime. The other options focus on different types of offenses that do not align with the intent of the "Three Strikes" law. First-time offenders and minor property crimes are not the focus, as the law is specifically aimed at individuals with a pattern of committing serious violent acts. Likewise, traffic violations do not equate to the severity of crimes that "Three Strikes" addresses.

7. Which of the following is considered evidence of deliberation in first-degree murder?

- A. Spontaneous decision**
- B. Simple altercation**
- C. Planning and bad-blood between parties**
- D. Accidental circumstances**

The presence of planning and bad blood between the parties is indicative of deliberation in first-degree murder. Deliberation involves a conscious decision to take a life, where the perpetrator has taken the time to consider their actions rather than acting on impulse or in the heat of the moment. In Missouri, evidence of a prior conflict or a premeditated plan illustrates that the defendant had the opportunity to reflect on their actions and assessed the decision to commit murder. When there is established animosity between the individuals involved, it reflects a history of conflict that can contribute to a motive for murder, further reinforcing the idea of premeditation. This contrasts with spontaneous decisions, simple altercations, or accidental circumstances, which do not demonstrate the careful intent necessary for first-degree murder. Each of those scenarios lacks the element of prior planning or a calculated approach to the act, making them less relevant when establishing evidence of deliberation.

8. What is "vehicular manslaughter" in Missouri?

- A. Causing a death while driving under the influence**
- B. Causing death through negligent or reckless driving**
- C. Intentionally hitting someone with a vehicle**
- D. The accidental death of a pedestrian**

In Missouri, "vehicular manslaughter" refers specifically to causing death through negligent or reckless driving. This classification captures situations where a driver, through their actions, fails to uphold a standard of care that results in the unintentional death of another person. The key elements here are negligence or recklessness; the driver's behavior does not need to be intentional, but it must demonstrate a disregard for the safety of others. This legal definition encompasses a wide range of driving behaviors, including distracted driving, speeding, or ignoring traffic laws, which can all lead to fatal accidents. The notion of recklessness involves a conscious disregard for a substantial and unjustifiable risk that results in death, which aligns with the principles of vehicular manslaughter as outlined in Missouri law. In contrast, behaviors such as intentional actions aimed at harming someone with a vehicle fall under different legal charges, which is why options involving intent, such as intentionally hitting someone or causing death while driving under the influence, do not describe vehicular manslaughter appropriately. Additionally, the accidental death of a pedestrian alone does not meet the criteria of negligence or recklessness without establishing that the driver acted in a way that created a substantial risk of harm.

9. What constitutes Arson under Missouri law?

- A. Setting fire to an abandoned building
- B. Intentionally burning a building while endangering life**
- C. Causing a fire to create a distraction
- D. Burning personal property without a permit

Under Missouri law, arson is defined as the intentional burning of a structure, particularly when it poses a danger to life or property. The core element of this offense is the intention behind the act, coupled with the potential endangerment of people's lives or the safety of actual property. Thus, intentionally burning a building, especially in a manner that puts lives at risk, clearly fits the criteria established for arson under Missouri statutes. The aspect of endangering life is particularly significant because it differentiates arson from other related offenses. For instance, simply setting fire to an abandoned building might not meet the threshold for arson since it does not endanger any lives. In contrast, intentionally igniting a fire in a way that puts individuals nearby in jeopardy directly aligns with the serious nature of this crime under the law. This context highlights why the correct understanding of arson requires both an intent to cause damage and the risk it introduces to human safety.

10. Which of the following can indicate Intent to Distribute?

- A. Size of the drug quantity**
- B. Type of substance
- C. Culprit's previous record
- D. Witness testimonials

The size of the drug quantity is a critical factor in indicating intent to distribute. In criminal law, particularly concerning drug offenses, the amount of a controlled substance in possession is a significant indicator of whether an individual is merely a user or has the intent to distribute. Large quantities of drugs suggest that the individual is likely not using all of it personally but rather planning to sell or distribute it to others. Courts often look at the quantity of drugs in the context of typical usage patterns for legitimate purposes, and when the amount exceeds what would reasonably be considered for personal use, it raises a presumption of intent to distribute. While the type of substance, previous record, and witness testimonials can provide context and support for the case, it is the size of the drug quantity that most directly correlates with the presumption of distribution, making it a strong indicator of intent.