

Essay about Criminal Law Today

Introduction

A mental disorder refers to a behavioral pattern that impairs the way a person should function normally. Individuals with a mental disorder can be excused from criminal conduct depending on the kind of mental handicap that they have. **Age should not be an excuse** for criminal conduct in that it depends on the age of the child because the mind and level of understanding mature as one grows old.

A person who is mentally ill can be considered as being incapacitated thus he might not be able to distinguish between the right and wrong things. However, the level and kind of mental illness matters since some mental illnesses are more severe compared to others. For instance, Persons with severe mental illnesses such as traumatic brain injury or Down's syndrome, 90% of their time they are normally unaware of their actions thus they can be excused from criminal conducts. However this should be after a close examination by medics to make sure the convicted persons suffers from either of the said conditions (Slobogin, 2006).

If the defendant's mental case is not severe or might not have been up to the point of insanity, a guilty verdict rather than not guilty verdict can be passed but with a **lesser charge**. For instance, they could be charged for manslaughter rather than murder (Slobogin, 2006). The conditions include some form of defects that impair one's mental function. For example, post traumatic stress disorder and extremely low intelligence.

Although some states excuse minors from acts that can qualify as criminal if they were committed by a normal adult, it is good first to understand whether the minor understood his actions or deeds and whether he understood whether what he did was wrong (Scott, Steinberg, 2008). If the prosecutor or the judge determines that the minor understood that what he did was wrong, he goes ahead and tries the individual as an adult. As one matures, the mind also matures thus more understanding. Therefore a seven year old child and below has less understanding of his actions compared to a child who is above seven years. This is why a murder charge could easily lead a teen-aged defendant to be adjudicated as an adult rather than being tried as a juvenile.

Although children under seven years can be termed as not to have acquired the age of criminal responsibility, physical capacity of these children could be considered rather than their age. **Children can be termed** no capable of committing some of the crimes that require the ability of lots of mature quality. For instance, an eight year old boy being tried for raping a 25 year old lady (Scott, Steinberg, 2008).

Conclusion

It is thus good if the mental condition of a person should be excused from a criminal conduct when it is very necessary like in severe mental condition rather than the less serious condition. This helps to ensure the defendant did not commit the crime on purpose since some people with less mental conditions can commit crimes with intent and cover behind their mental state. On the other hand, age can also be an excuse to criminal conduct but **only if it is well determined** if the minor understands that what he did was wrong. Also, if the minor's physical abilities are worth the crime he is being accused of.

References

Slobogin, C. (2006). *Minding justice: Laws that deprive people with mental disability of life and liberty*. Cambridge (Mass.: Harvard University Press).

Scott, E. S., & Steinberg, L. D. (2008). *Rethinking juvenile justice*. Cambridge, Mass: Harvard University Press.