

Moral Turpitude

It has been stated that the term “moral turpitude” is so clear that there is no duty on the trial judge to define it in the absence of a request. The term has been defined in Georgia as follows:

“Turpitude in its ordinary sense involves the idea of inherent baseness or vileness, shameful wickedness, depravity.... In its legal sense it includes everything contrary to justice, honesty, modesty or good morals.... The word ‘moral,’ which so often precedes the word turpitude, does not seem to add anything to the meaning of the term, other than that emphasis which often results from a tautological expression. All crimes embraced within the Roman’s conception of the *crimen falsi* involve turpitude; but it is not safe to declare that such crimes are the only ones involving turpitude.” In *Ramsey v. State*, the court said that a crime involving moral turpitude is one which is *malum in se* rather than *malum prohibitum*. In Georgia, the test for whether a felony is one involving moral turpitude is “does the [crime], disregarding its felony punishment, meet the test as being contrary to justice, honesty, modesty, good morals or man’s duty to man?”

It has been held that the following offenses are crimes involving moral turpitude:

- Fraud or false pretenses in obtaining something of value
- Larceny or a misdemeanor theft by taking
- Larceny after trust
- Murder
- Soliciting for prostitutes
- Voluntary manslaughter
- Sale of narcotics or other illegal drugs
- Pattern of failure to file federal tax returns in years in which taxes are due
- Criminal Issuance of a bad check
- Making a false report of a crime

The following have been held to be offenses which are not crimes involving moral turpitude:

- Public drunkenness
- Driving under the influence
- Carrying a concealed weapon
- Unlawful sale of liquor
- Fighting
- Simple Battery
- Simple Assault
- Misdemeanor criminal trespass
- Child abandonment
- Misdemeanor offense of escape
- Misdemeanor offense of obstructing a law enforcement officer
- The federal misdemeanor offense of Conspiracy in Restraint of Interstate Trade and Commerce
- Possession of less than one ounce of marijuana

[This is taken from *Handbook of Criminal Evidence* by Davis, 2000 edition.]