

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 with respect to a person’s duty to another or to society in general. In its legal sense it includes everything contrary to justice, honesty, modesty or good morals.” All crimes of falsehood or crimes of deceit 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 that is wrong in itself rather than wrong because it is prohibited by law. 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?”

The following offenses, or similar offenses, are crimes involving moral turpitude:

- Fraud or false pretenses in obtaining something of value;
- Larceny (includes shoplifting);
- 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 that taxes are due;
- Criminal issuance of a bad check;
- Making a false report of a crime;
- Sexual Battery; and
- Providing contraband to an inmate.

The following offenses have been held to not be 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; and
- Possession of less than one ounce of marijuana.