

Appendix B: Offense Definitions

The use of standardized definitions in the MTIBRS/NIBRS is essential to the maintenance of uniform and consistent data. As developed by law enforcement, the purpose of the FBI UCR Program is to provide a common language transcending the varying local and state laws. Therefore, the developers did not intend law enforcement agencies to use MTIBRS/NIBRS offense definitions for charging persons with crimes. Instead, law enforcement agencies should use the definitions as receptacles to translate crime into the common Uniform Crime Reporting language used throughout the United States. Though state statutes specifically define crimes so persons facing prosecution will know the exact charges placed against them, the definitions used in the MTIBRS/NIBRS must be generic in order not to exclude varying state statutes relating to the same type of crime used throughout the United States.

The developers based the NIBRS offense definitions on the common-law definitions found in Black's Law Dictionary, as well as those used in the NCIC 2000 Uniform Offense Classifications. Due to most states basing their statutes on the common-law definitions, even though they may vary as to specifics, most should fit into the corresponding MTIBRS/NIBRS offense classifications.

Group A Offenses:

Animal Cruelty

Intentionally, knowingly, or recklessly taking an action that mistreats or kills any animal without just cause, such as torturing, tormenting, mutilation, maiming, poisoning, or abandonment. Included are instances of duty to provide care, e.g., shelter, food, water, care if sick or injured; transporting or confining an animal in a manner likely to cause injury or death; causing an animal to fight with another; inflicting excessive or repeated unnecessary pain or suffering, e.g., uses objects to beat or torture an animal. This definition does not include proper maintenance of animals for show or sport; use of animals for food, lawful hunting, fishing, or trapping.

Arson

To unlawfully and intentionally damage or attempt to damage any real or personal property by fire or incendiary device.

Assault Offenses

An unlawful attack by one person upon another.

1. Aggravated Assault

An unlawful attack by one person upon another wherein the offender uses a weapon or displays it in a threatening manner, or the victim suffers obvious severe or aggravated bodily injury involving apparent broken bones, loss of teeth, possible internal injury, severe laceration, or loss of consciousness.

2. Simple Assault

An unlawful physical attack by one person upon another where neither the offender displays a weapon, nor the victim suffers obvious severe or aggravated bodily injury involving apparent broken bones, loss of teeth, possible internal injury, severe laceration, or loss of consciousness.

3. Intimidation

To unlawfully place another person in reasonable fear of bodily harm through the

use of threatening words and/or other conduct but without displaying a weapon or subjecting the victim to actual physical attack.

Bribery

The offering, giving, receiving, or soliciting of anything of value (e.g., a bribe, gratuity, or kickback) to sway the judgment or action of a person in a position of trust or influence.

Burglary

The unlawful entry into a building or other structure with the intent to commit a felony or a theft.

Counterfeiting/Forgery

The altering, copying, or imitation of something, without authority or right, with the intent to deceive or defraud by passing the copy or thing altered or imitated as that which is original or genuine; or, the selling, buying, or possession of an altered, copied, or imitated thing with the intent to deceive or defraud.

Destruction/Damage/Vandalism of Property (except Arson)

To willfully or maliciously destroy, damage, deface, or otherwise injure real or personal property without the consent of the owner or the person having custody or control of it.

Drug/Narcotic Offenses

The violation of laws prohibiting the production, distribution, and/or use of certain controlled substances and the equipment or devices utilized in their preparation and/or use.

1. Drug/Narcotic Violations

The unlawful cultivation, manufacture, distribution, sale, purchase, use, possession, transportation, or importation of any controlled drug or narcotic substance.

2. Drug Equipment Violations

The unlawful manufacture, sale, purchase, possession, or transportation of equipment or devices utilized in preparing and/or using drugs or narcotics.

Embezzlement

The unlawful misappropriation by an offender to his/her own use or purpose of money, property, or some other thing of value entrusted to his/her care, custody, or control.

Extortion/Blackmail

To unlawfully obtain money, property, or any other thing of value, either tangible or intangible, through the use or threat of force, misuse of authority, threat of criminal prosecution, threat of destruction of reputation or social standing, or through other coercive means.

Fraud Offenses (except Counterfeiting/Forgery and Bad Checks)

The intentional perversion of the truth for the purpose of inducing another person or other entity in reliance upon it to part with something of value or to surrender a legal right.

1. False Pretenses/Swindle/Confidence Game
The intentional misrepresentation of existing fact or condition or the use of some other deceptive scheme or device to obtain money, goods, or other things of value.
2. Credit Card/Automated Teller Machine Fraud
The unlawful use of a credit (or debit) card or automatic teller machine for fraudulent purposes.
3. Impersonation
Falsely representing one's identity or position and acting in the character or position thus unlawfully assumed to deceive others and thereby gain a profit or advantage, enjoy some right or privilege, or subject another person or entity to an expense, charge, or liability that would not have otherwise been incurred.
4. Welfare Fraud
The use of deceitful statements, practices, or devices to unlawfully obtain welfare benefits.
5. Wire Fraud
The use of an electric or electronic communications facility to intentionally transmit a false and/or deceptive message in furtherance of a fraudulent activity.

Gambling Offenses

To unlawfully bet or wager money or something else of value; assist, promote, or operate a game of chance for money or some other stake; possess or transmit wagering information; manufacture, sell, purchase, possess, or transport gambling equipment, devices, or goods; or tamper with the outcome of a sporting event or contest to gain a gambling advantage.

1. Betting/Wagering
To unlawfully stake money or something else of value on the happening of an uncertain event or on the ascertainment of a fact in dispute.
2. Operating/Promoting/Assisting Gambling
To unlawfully operate, promote, or assist in the operation of a game of chance, lottery, or other gambling activity.
3. Gambling Equipment Violations
To unlawfully manufacture, sell, buy, possess, or transport equipment, devices, and/or goods used for gambling purposes.
4. Sports Tampering
To unlawfully alter, meddle in, or otherwise interfere with a sporting contest or event for the purpose of gaining a gambling advantage.

Homicide Offenses

The killing of one human being by another.

1. Murder and Nonnegligent Manslaughter
The willful (nonnegligent) killing of one human being by another.
2. Negligent Manslaughter
The killing of another person through negligence.
3. Justifiable Homicide (Not a Crime)

The killing of a perpetrator of a serious criminal offense by a peace officer in the line of duty, or the killing, during the commission of a serious criminal offense, of the perpetrator by a private individual.

Human Trafficking Offenses

The inducement of a person to perform a commercial sex act, or labor, or services, through force, fraud, or coercion.

Human trafficking has also occurred if a person under 18 years of age has been induced, or enticed, regardless of force, fraud, or coercion, to perform a commercial sex act.

1. Human Trafficking, Commercial Sex Acts
Inducing a person by force, fraud, or coercion to participate in commercial sex acts, or in which the person induced to perform such act(s) has not attained 18 years of age.
2. Human Trafficking, Involuntary Servitude
The obtaining of a person(s) through recruitment, harboring, transportation, or provision, and subjecting such persons by force, fraud, or coercion into voluntary servitude, peonage, debt bondage, or slavery (not to include commercial sex acts).

Kidnapping/Abduction

The unlawful seizure, transportation, and/or detention of a person against his/her will or of a minor without the consent of his/her custodial parent(s) or legal guardian.

Larceny/Theft Offenses

The unlawful taking, carrying, leading, or riding away of property from the possession or constructive possession of another person.

1. Pocket-picking
The theft of articles from another person's physical possession by stealth where the victim usually does not become immediately aware of the theft.
2. Purse-snatching
The grabbing or snatching of a purse, handbag, etc., from the physical possession of another person.
3. Shoplifting
The theft by someone other than an employee of the victim of goods or merchandise exposed for sale.
4. Theft From Building
A theft from within a building which is either open to the general public or to which the offender has legal access.
5. Theft From Coin-Operated Machine or Device
A theft from a machine or device that is operated or activated by the use of coins.
6. Theft From Motor Vehicle (except Theft of Motor Vehicle Parts or Accessories)
The theft of articles from a motor vehicle, locked or unlocked.
7. Theft of Motor Vehicle Parts or Accessories

The theft of any part or accessory affixed to the interior or exterior of a motor vehicle in a manner which would make the item an attachment of the vehicle or necessary for its operation.

8. All Other Larceny

All thefts that do not fit any of the definitions of the specific subcategories of Larceny/Theft listed above.

Motor Vehicle Theft

The theft of a motor vehicle.

1. A motor vehicle is a self-propelled vehicle that runs on the surface of land and not on rails and that fits one of the following descriptions: Automobiles - sedans, coupes, station wagons, convertibles, taxicabs, or other similar motor vehicles serving the primary purpose of transporting people. This includes minivans, automobiles used as taxis, sport-utility vehicles, and automobile derivative vehicles. Minivans should be classified as 03 = Automobiles, as they meet the definition serving the primary purpose of transporting people. This classification also includes automobiles used as taxis; sport-utility vehicles, such as Explorers, Highlanders, 4Runners, Pathfinders, and Hummers; and automobile derivative vehicles, such as Ranchero, El Camino, Caballero, and Brat.
2. Buses - motor vehicles specifically designed (but not necessarily used) to transport groups of people on a commercial basis.
3. Recreational Vehicles - motor vehicles specifically designed (but not necessarily used) to transport people and also provide them with temporary lodging for recreational purposes.
4. Trucks - motor vehicles specifically designed (but not necessarily used) to transport cargo on a commercial basis. Pickup trucks and pickup trucks with campers should be classified as 37 = Trucks, as they meet the definition specifically designed, but not necessarily used, to transport cargo.
5. Other Motor Vehicles - other motorized vehicles, e.g., motorcycles, motor scooters, trail bikes, mopeds, snowmobiles, all-terrain vehicles, or golf carts whose primary purpose is to transport people.
6. **Note:** Motor Vehicle Thefts do not include farm equipment (tractors, combines, etc.), which falls under a separate property description.

Pornography/Obscene Material

The violation of laws or ordinances prohibiting the manufacture, publishing, sale, purchase, or possession of sexually explicit material, e.g., literature or photographs.

Prostitution Offenses

To unlawfully engage in or promote sexual activities for anything of value.

1. Prostitution
To engage in commercial sex acts for anything of value.
2. Assisting or Promoting Prostitution
To solicit customers or transport persons for prostitution purposes; to own, manage, or operate a dwelling or other establishment for the purpose of

- providing a place where prostitution is performed; or to otherwise assist or promote prostitution.
3. Purchasing Prostitution
To purchase or trade anything of value for commercial sex acts.

Robbery

The taking or attempting to take anything of value under confrontational circumstances from the control, custody, or care of another person by force or threat of force or violence and/or by putting the victim in fear of immediate harm.

Sex Offenses

Any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent .

1. Rape (except Statutory Rape)
The carnal knowledge of a person, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental or physical incapacity.
2. Sodomy
Oral or anal sexual intercourse with another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental or physical incapacity.
3. Sexual Assault With An Object
To use an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental or physical incapacity.
4. Fondling
The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental or physical incapacity.

Sex Offenses, Nonforcible

Unlawful, nonforcible sexual intercourse.

1. Incest
Nonforcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
2. Statutory Rape
Nonforcible sexual intercourse with a person who is under the statutory age of consent.

Stolen Property Offenses

Receiving, buying, selling, possessing, concealing, or transporting any property with the knowledge that it has been unlawfully taken, as by Burglary, Embezzlement, Fraud, Larceny, Robbery, etc.

Weapon Law Violations

The violation of laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, concealment, or use of firearms, cutting instruments, explosives, incendiary devices, or other deadly weapons.

Group B Offenses:

Bad Checks (except Counterfeit Checks or Forged Checks)

Knowingly and intentionally writing and/or negotiating checks drawn against insufficient or nonexistent funds.

Curfew/Loitering/Vagrancy Violations

The violation of a court order, regulation, ordinance, or law requiring the withdrawal of persons from the streets or other specified areas; prohibiting persons from remaining in an area or place in an idle or aimless manner; or prohibiting persons from going from place to place without visible means of support.

Disorderly Conduct

Any behavior that tends to disturb the public peace or decorum, scandalize the community, or shock the public sense of morality.

Driving Under the Influence

Driving or operating a motor vehicle or common carrier while mentally or physically impaired as the result of consuming an alcoholic beverage or using a drug or narcotic.

Family Offenses, Nonviolent

Unlawful, nonviolent acts by a family member (or legal guardian) that threaten the physical, mental, or economic well-being or morals of another family member and that are not classifiable as other offenses, such as Assault, Incest, and Statutory Rape.

Liquor Law Violations (except Driving Under the Influence)

The violation of laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, or use of alcoholic beverages.

Peeping Tom

To secretly look through a window, doorway, keyhole, or other aperture for the purpose of voyeurism.

Trespass of Real Property

To unlawfully enter land, a dwelling, or other real property.

All Other Offenses

All crimes that are not included in one of the specifically named crime categories listed previously.

For additional information and examples of crime definitions, please review pages 19 - 43 of the [National Incident-Based Reporting System \(NIBRS\) User Manual Version 1.0 January 2013](#).