

## 2.4 Offense Definitions

### *Source of Offense Definitions*

The use of standardized definitions in NIBRS is essential to the maintenance of uniform and consistent data. This practice ensures the national UCR Program considers and appropriately counts all criminal offenses of law, regardless of their different titles under state and local law or United States titles and statutes.

The purpose of the FBI's UCR Program is to provide a common language transcending the varying local and state laws. Therefore, the Program did not intend for LEAs to use NIBRS offense definitions for charging persons with crimes. Instead, LEAs should use the definitions to translate crime into the common UCR 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 NIBRS must be generic to not exclude varying state statutes relating to the same type of crime.

The Program based 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, these definitions should fit into the corresponding NIBRS offense classifications.

### *State Offenses*

If a state statute for an offense includes additional offenses not fitting the NIBRS offense definition, the LEA should report the nonconforming offenses according to its NIBRS offense classifications. For example, some states worded their larceny statutes so broadly as to include the crime of Embezzlement. If an offender perpetrates Embezzlement within such a state, LE should report the offense via NIBRS as Embezzlement, not Larceny/Theft.

Certainly, unusual situations will arise in classifying offenses, and this manual cannot cover all circumstances. In classifying unusual situations, LE should consider the nature of the crime along with the guidelines provided. In addition to the Group A and Group B offense definitions and explanations, the [Offense Lookup Table](#) at the end of this section will also aid in classifying offenses. If LEAs have concerns on how to classify an offense they can contact the National UCR Program Office.

### *Group A Offenses*

There are 28 Group A offense categories made up of 71 Group A offenses. The offense categories listed below are in alphabetical order. Most entries include the following information:

- NIBRS offense code, offense name
- Definition
- Considerations and examples (as appropriate)

## 720 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 injure 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.

For Animal Cruelty offenses, reporting agencies must enter at least one but no more than three types of activity (simple/gross neglect, organized abuse, intentional abuse or torture, or animal sexual abuse) in Data Element 12 (Type Criminal Activity/Gang Information).

## 200 Arson

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

An LEA should report only fires determined through investigation to have been unlawfully and intentionally set. Though the agency should include attempts to burn, it should not include fires of suspicious or unknown origin. In addition, an agency should report one incident for each distinct Arson operation originating within its jurisdiction. If a fire started by Arson in one jurisdiction spreads to another jurisdiction and destroys property, the LEA in which the fire started should report the incident and all dollar value damage.

If a fire marshal collects Arson-related incident information, the LEA having jurisdiction should gather the information from the fire marshal and report it with their monthly submission (unless the Fire Marshall has a valid UCR ORI). The national UCR Program excludes Arsonrelated deaths and injuries of police officers and firefighters, unless determined as willful Murders or assaults, due to the hazardous nature of these professions.

LEAs should report the type of property burned into Data Element 15 (Property Description) and the value of property burned in Data Element 16 (Value of Property), which includes incidental damage resulting from fighting the fire.

### 13A – 13C Assault Offenses

An unlawful attack by one person upon another

Careful consideration of the following factors should assist in classifying assaults:

1. The type of weapon employed or the use of an object as a weapon.
2. The seriousness of the injury.
3. The intent and capability of the assailant to cause serious injury.

The weapons used or the extent of the injury sustained typically will be the deciding factors in distinguishing Aggravated from Simple Assault. A weapon can be a gun, knife or anything that could be used to harm someone else (a broken glass bottle, rocks, a shoe, etc.) In only a very limited number of instances should it be necessary to examine the intent and capability of the assailant. The prosecution policies in a jurisdiction should not influence classification or reporting of LE offense data. Reporting agencies should examine and classify the assaults in their respective jurisdictions according to the standard UCR definitions, regardless of whether the offenses are termed misdemeanors or felonies by local definitions.

By definition there can be no *attempted* assaults, only *completed* assaults. Therefore, reporting agencies must enter the data value of C = Completed for all Assault Offenses into Data Element 7 (Offense Attempted/Completed).

### 13A 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

In the definition above, a weapon is a commonly known weapon (a gun, knife, club, etc.) or any other item becoming one, although not usually thought of as a weapon, when used in a manner which *could* cause the types of severe bodily injury described.

**Note:** NIBRS considers Mace and pepper spray to be weapons. A severe laceration is one that should receive medical attention. A loss of consciousness must be the direct result of force inflicted on the victim by the offender.

Aggravated Assault includes assault with disease (as in cases when the offender is aware he/she is infected with a deadly disease and deliberately attempts to inflict the disease by biting, spitting, etc.), assaults or attempts to kill or murder, poisoning, assault with a dangerous or deadly weapon, maiming, mayhem, and assault with explosives. In addition, this offense usually includes offenses such as pointing and presenting a firearm, brandishing a firearm, etc. Though an agency may, on occasion, charge assailants with assault and battery or Simple Assault when an offender uses a knife, gun, or other weapon in the incident, the agency should classify this type of assault as aggravated for UCR purposes. It is not necessary for injury to result from an Aggravated Assault when an offender uses a gun, knife, or other weapon which could cause serious personal injury.

The agency should enter the type of weapon or force involved with an Aggravated Assault in Data Element 13 (Type Weapon/Force Involved); it should also enter the circumstances in Data Element 31 (Aggravated Assault/Homicide Circumstances).

### 13B 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

Simple Assault includes offenses such as minor assault, hazing, assault and battery, and injury caused by culpable negligence.

### 13C 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

This offense includes stalking. In addition, the offender can make the threats associated with Intimidation in person, over the telephone, or in writing.

## 510 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

In addition to bribes, gratuities, and kickbacks, the phrase, “anything of value,” includes favors or anything else used illegally to influence the outcome of something governed by law, fair play, contractual agreement, or any other guideline. The offering, giving, receiving, or soliciting of the bribe would bring the outcome of an event outside any realm of reasonableness, the result of which could be predicted based on the offering or influence given to the person(s) in a position to render decisions.

**Note:** This offense excludes sports bribery (i.e., changing the outcome of a sporting contest or event). Agencies should report such activities under the crime category of gambling offenses as Sports Tampering, not Bribery.

## 220 Burglary/Breaking & Entering

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

LEAs should classify offenses locally known as Burglary (any degree), unlawful entry with intent to commit a larceny or felony, breaking and entering with intent to commit a larceny, housebreaking, and safecracking as burglary. However, because Larceny/Theft is an element of Burglary, agencies should not report the Larceny as a separate offense if it is associated with the unlawful entry of a structure. The element of trespass is essential to the offense of Burglary/ Breaking and Entering.

By definition, a structure has four walls, a roof, and a door (e.g., apartment, barn, cabin, church, condominium, dwelling house, factory, garage, house trailer or houseboat if used as a permanent dwelling, mill, office, outbuilding, public building, railroad car, room, school, stable, vessel or ship, warehouse).

A structure is also any house trailer or other mobile unit permanently fixed as an office, residence, or storehouse. However, a tent, tent trailer, motor-home, house trailer, or any other mobile unit used for recreational purposes is not a structure. LEAs should not classify the illegal entry of such mobile units, followed by a felony, theft, or attempt to commit a felony or theft, as burglary, but rather as larceny.

### Hotel Rule

The Hotel Rule applies to burglaries of hotels, motels, lodging houses, or other places where lodging of transients is the main purpose. Burglaries of temporary rental storage facilities, e.g., mini-storage and self-storage buildings, can pose reporting questions.

- If a number of units under a single manager are the object of a Burglary and the manager, rather than the individual tenants/renters, will most likely report the offenses to the police, the agency should report the Burglary to the FBI's UCR Program as a single incident. Examples are burglaries of multiple rental hotel rooms, rooms in "flop" houses, rooms in a youth hostel, and units in a motel.
- If multiple occupants rent or lease individual living or working areas in a building for a period of time, which would preclude the tenancy from being classified as transient, and the occupants would most likely report the individual burglaries separately, the reporting agency should submit the burglaries as separate incidents. Examples of this latter type of multiple burglaries include burglaries of multiple apartments in an apartment house, offices of a number of commercial firms in a business building, offices of separate professionals within one building, and rooms in a college dormitory.

Whenever a question arises as to whether a type of structure comes within the scope of the Burglary definition, LEAs should examine the nature of the crime and use the examples provided as guidance.

When a hotel, motel, inn, other temporary lodging, or a rental storage facility is the object of a Burglary, the LEA should report the number of premises (e.g., rooms, suites, units, or storage compartments) in Data Element 10 (Number of Premises Entered). For all Burglary offenses, the agency should report the method of entry in Data Element 11 (Method of Entry) as either data value F = Force or N = No Force. A forced entry occurs when the offender(s) uses force of any degree or a mechanical contrivance of any kind (e.g., a passkey or skeleton key) to unlawfully enter a building or other structure. An unforced entry occurs when the offender(s) achieves unlawful entry without force through an unlocked door or window. If both forced and unforced entries are involved, the agency should enter F = Force.

Agencies should report incidental damage resulting from a Burglary (e.g., a forced door, broken window, hole in the wall, or dynamited safe) only if the amount of damage is deemed substantial by the reporting agency. If deemed substantial, the agency should report the damage under the offense category Destruction/Damage/Vandalism of property.

**Note:** LEAs should classify offenses according to NIBRS definitions and not according to federal, state, or local codes. For example, though some jurisdictions may categorize a Shoplifting or a Theft From an Automobile as Burglary, the UCR Program considers these offenses as Larcenies. Thefts from an Automobile (whether locked or not); Shoplifting from commercial establishments; and Thefts from Coin Boxes, or Coin-Operated Machines (including machines that accept paper bills) do not involve unlawful entry of a structure; thus, no Burglary occurred.

## 58A-61B, 620 Commerce Violations

### 58A Import Violations\*

To knowingly or willfully defraud the United States by smuggling, importing, or clandestinely introducing merchandise that should have been invoiced, received, bought, sold, or facilitate the transportation, the concealment, or sale of such merchandise after importation

Import Violations is a Crime Against Society.

<b>Note:</b> Only federal and tribal LEAs may report 58A Import Violations.
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### 58B Export Violations\*

To knowingly or willfully defraud the United States by smuggling, exporting, or clandestinely distributing merchandise that should have been invoiced, received, bought, sold, or facilitate the transportation, the concealment, or sale of such merchandise after exportation

Export Violations is a Crime Against Society.

<b>Note:</b> Only federal and tribal LEAs may report 58B Import Violations.
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### 61A Federal Liquor Offenses\*

The unlawful production (using an unregistered still), transportation (without proper bill of lading), receipt, distribution, or smuggling of distilled spirits on which federal tax has not been paid. Acting as a distiller, a winery, or a wholesaler of distilled spirits, wine, or malt beverages without a federal permit

Federal Liquor Violations is a Crime Against Society.

<b>Note:</b> Only federal and tribal LEAs may report 61A Federal Liquor Offenses.
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### 61B Federal Tobacco Offenses\*

**The unlawful possession and/or distribution of contraband tobacco products; including any quantity of cigarettes in excess of 10,000 or other tobacco products if the cigarettes/products bear no evidence of the payment of applicable state taxes in the state where the cigarettes are found. Engaging in interstate commerce in tobacco products without registering with, and reporting to, the federal government and applicable state tax administrators**

Federal Tobacco Violations is a Crime Against Society.

<b>Note:</b> Only federal and tribal LEAs may report 61B Federal Tobacco Offenses.
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## 620 Wildlife Trafficking\*

The poaching or other illegal taking of protected or managed species and the illegal trade in wildlife and their related parts and products

Wildlife Trafficking is a Crime Against Society.

<b>Note:</b> Only federal and tribal LEAs may report 620 Wildlife Trafficking.
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## 250 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

Most states treat Counterfeiting and Forgery as allied offenses. This category includes offenses such as altering and forging public and other records; making, altering, forging or counterfeiting bills, notes, drafts, tickets, checks, credit cards, etc.; forging wills, deeds, notes, bonds, seals, trademarks, etc.; counterfeiting coins, plates, banknotes, checks, etc.; possessing forged or counterfeit instruments; erasures; signing the name of another or fictitious person with intent to defraud; using forged labels; possession, manufacture, etc., of counterfeiting apparatus; and selling goods with altered, forged, or counterfeit trademarks. Although Counterfeiting/Forgery offenses can involve elements of Fraud, the FBI's UCR Program treats them separately due to their unique nature.

Agencies should enter the type of activity (namely publishing, distributing, selling, buying, possessing, or transporting) in Data Element 12, (Type Criminal Activity/Gang Information). Likewise, the agency should enter the type of property altered, counterfeited, or forged in Data Element 15 (Property Description).

Problems arise in scoring Counterfeiting/Forgery offenses for UCR purposes when LEAs find the offender(s) used forged checks or counterfeit money to obtain items such as cash, groceries, electronic equipment, etc. If the offense of Counterfeiting/Forgery is completed, the Type Property Loss/Etc. can only be 3 = Counterfeited/Forged, 5 = Recovered, or 6 = Seized.



Therefore, LEAs do not report items the offender(s) obtained as the result of passing a forged or counterfeit instrument.

When incidents involving the passing of a forged or counterfeited instrument to obtain items occur, an additional Fraud offense should accompany the Counterfeiting/Forgery to allow the capture of fraudulently obtained items.

**Example:**

A lone male enters a department store to purchase a \$400 television and a \$300 DVD player (retail value) with a forged check. Later, the store manager finds the offender(s) used a forged check to make the purchase. The manager then summons the police to file a report. LEAs should report the incident with UCR Offense Code, 250 = Counterfeiting/Forgery; Type Property Loss/Etc., 3 = Counterfeited/Forged; Property Description, 21 = Negotiable Instruments (\$700). In addition, Offense Code 26A = False Pretense/Swindle/Confidence Game; Type Property Loss/Etc., 7 = Stolen/Etc.; Property Description, 26 = Radios/TVs/DVDs; Value of Property, \$550 (wholesale value) should be reported.

**Note:** Once the forged check (a non-negotiable instrument with no monetary value) was passed to the manager for the television and DVD player, and the manager countersigned the check for deposit, the non-negotiable instrument became a negotiable instrument. Although the forged check was written for \$700, the wholesale value of the stolen property (\$550) should be reported. Properly countersigned checks, even if done in a fraudulent manner, are considered negotiable instruments for UCR reporting purposes.

## 290 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

As a general rule, LEAs should report this offense only if they deem *substantial damage* to property has occurred, e.g., major structural damage, property damage generally classified as a felony destruction of property. Agencies should not report insubstantial damage, such as a broken window or other minor damage. The FBI's UCR Program leaves the determination of whether the damage was substantial to the discretion of the reporting LEA as it should not require burdensome damage assessments.

**Note:** Agencies should report incidental damage resulting from another offense (e.g., Burglary or Robbery) under Destruction/Damage/Vandalism only if they deem the amount of damage to be substantial. For Arson, agencies should include the incidental damage resulting from fighting the fire as part of the loss caused by burning.

## 35A – 35B 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

For Drug/Narcotic Offenses, reporting agencies must enter the type of activities (up to three, namely, cultivating, manufacturing, distributing, selling, buying, using, possessing, transporting, or importing) in Data Element 12 (Type Criminal Activity/Gang Information).

### 35A Drug/Narcotic Violations

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

Because it is difficult to determine the street value of drugs or narcotics seized in Drug/Narcotic Violations, reporting agencies should not enter a data value in Data Element 16 (Value of Property). However, agencies must report the type of drug or narcotic in Data Element 20 (Suspected Drug Type); the quantity in Data Element 21 (Estimated Drug Quantity); and the type of measurement, e.g., kilograms or liquid ounces, in Data Element 22 (Type Drug Measurement).

### 35B Drug Equipment Violations

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

This offense covers those cases involving drug paraphernalia, equipment, chemicals, illegal labs, etc. Various statutes and/or codes may vary in the description of unlawful equipment or paraphernalia involved with drugs/narcotics.

## 270 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

In general, an employer/employee or legal agent relationship must exist for Embezzlement to occur. Typically, the victims of these offenses are businesses, financial institutions, etc.

Agencies must enter the type of victim in Data Element 25 (Type of Victim) (e.g., financial institution, business, government, individual, religious organization, society/public, and other).

## 103 Espionage\*

**The act of obtaining, delivering, transmitting, communicating, or receiving national security or national defense information with an intent, or reason to believe, that the information may be used to the injury of the United States or to the advantage of any foreign nation.**

<b>Note:</b> Only federal and tribal LEAs may report 103 Espionage offenses.
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## 210 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

Even though persons are involved or victimized in cases of Extortion/Blackmail, the object of these crimes is to obtain money, property, or intangibles (e.g., reputation); therefore, they should be classified as Crimes Against Property.

Extortions include offenses where the offender made threats in non-confrontational circumstances and the victim is not in fear of immediate harm. If during a demand for money, property, etc., there is a personal confrontation between the victim and offender and the offender has the opportunity to carry out the threat of force or violence immediately, the agency should report the offense as robbery.

If an LEA determines the Extortion/Blackmail produced an intangible benefit (i.e., advantage or disadvantage), the agency must enter it as data value 66 = Identity-Intangible (provided the agency has updated property descriptions) or 77 = Other in Data Element 15 (Property Description). Intangibles are anything a person cannot perceive by the sense of touch. They can be a benefit (a right or privilege, a promotion, enhanced reputation, etc.) or a detriment (the loss of reputation, injured feelings, etc.). 77 = Other should only be used for identity intangibles when an agency has not programmed the new property descriptions.

## 26A – 26H 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

When classifying fraud cases other than the most obvious ones, e.g., con games, swindles, etc., agencies should use care in applying the facts of the case to the definition of Fraud. Often questions arise as to whether the facts of a case describe a Fraud or a Larceny. Though both

offenses can involve theft, it is the method used to steal that differentiates the two. Fraud is achieved through deceit or lying; larceny, is the physical taking of something.

By definition, Fraud involves either the offender receiving a benefit or the victim incurring a detriment. The benefit or detriment could be either tangible or intangible. Intangibles are anything a person cannot perceive by the sense of touch. They can be a benefit (a right or privilege, a promotion, enhanced reputation, etc.) or a detriment (the loss of reputation, injured feelings, etc.). For example, if a person impersonates a doctor to gain entrance to a restricted area of a hospital, the benefit to the offender (entry to the restricted area) is an intangible.

The only fraud-related violations agencies should not report under the Fraud Offenses category are Counterfeiting/Forgery and Bad Checks. These offenses have their own specific offense classifications.

Examples of common fraud involve cases in which an offender rents something of value, e.g., equipment or an automobile, for a time but does not return the item. Agencies should classify this offense, conversion of goods lawfully possessed by a bailee, as Fraud and not Larceny. In such cases, the offenders originally had lawful possession of the property (the property was either rented or loaned) and through deceit (they promised to return it) kept the property.

A common classification problem is the taking of gasoline without paying for it. If an offender steals gasoline from a self-service gas station without paying for it, the reporting agency should classify the offense as a 23H = All Other Larceny. In this case, the victim made no contract or agreement for payment with the offender.

However, if someone gets gasoline at a full-service gas station and drives off without paying for it, the offense is considered a 26A = False Pretenses/Swindle/Confidence Game. The individual asked someone to provide a service and product to them and failed to pay for it (they made a tacit agreement for product and services rendered).

**Note:** Agencies should report the most specific subcategory of fraud whenever the circumstances fit the definition of more than one of the subcategories listed below. For example, many frauds would fit the definition of False Pretenses/Swindle/Confidence Game. However, if the offender used a credit card to perpetrate the Fraud, the agency should classify the offense as Credit Card/Automated Teller Machine Fraud.

## 26A 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

This offense includes renting a vehicle and failing to return it, dining at a restaurant and failing to pay the bill, or misrepresenting information on an application for a firearm.

#### 26B Credit Card/Automated Teller Machine Fraud

##### **The unlawful use of a credit (or debit) card or automated teller machine for fraudulent purposes**

This offense does not apply to the theft of a credit/debit card but rather its fraudulent use.

#### 26C 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

<b>Note:</b> If a credit card number is fraudulently used, LEAs should report this as a 26B = Credit Card Fraud.
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##### **Example:**

In order to receive special discounts from a business an individual put on a military uniform and enters the business. The individual is not a military service member and uses the fake uniform with the purpose of impersonating a service member to receive a discount.

#### 26D Welfare Fraud

The use of deceitful statements, practices, or devices to unlawfully obtain welfare benefits

This offense includes the fraudulent use of electronic benefit transfer (EBT) cards for welfare purposes (e.g., SNAP cards, government-sponsored cash cards).

#### 26E 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

This classification applies to those cases where telephone, teletype, computers, e-mail, text messages, etc., are used in the commission or furtherance of a fraud. For example, if someone uses a computer to order products through a fraudulent online auction site and pays for the products but never receives them, LEAs should classify the incident as 26E = Wire Fraud.

#### 26F Identity Theft

**Wrongfully obtaining and using another person's personal data (e.g., name, date of birth, Social Security number, driver's license number).**

This offense includes opening a credit card, bank account, etc. using a person's information.

This offense should not be confused with Impersonation (26C) (falsely acting in the character or position to unlawfully deceive others to gain a profit or advantage; when impersonating another person, the offender would not be in possession of another person's personal data).

#### 26G Hacking/Computer Invasion

**Wrongfully gaining access to another person's or institution's computer software, hardware, or networks without authorized permissions or security clearances.**

#### 26H Money Laundering\*

The process of transforming the profits of a crime into a legitimate asset

Money Laundering is a Crime Against Society with Property.

<b>Note:</b> Only federal and tribal LEAs may report 26H Money Laundering.
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#### 49A – 49C Fugitive Offenses\*

##### 49A Harboring Escapee/Concealing from Arrest\*

**To harbor or conceal any person for whose arrest, a warrant or process has been issued, so as to prevent the fugitive's discovery and arrest, after having notice or knowledge that a warrant or process has been issued for the fugitive's apprehension**

**Note:** Only federal and tribal LEAs may report 49A Harboring Escapee/Concealing from Arrest.

#### 49B Flight to Avoid Prosecution\*

**To knowingly leave the jurisdiction where charges were filed with intent to avoid prosecution, custody, confinement, or to avoid giving testimony in any criminal proceedings**

**Note:** Only federal and tribal LEAs may report 49B Flight to Avoid Prosecution.

#### 49C Flight to Avoid Deportation\*

**To knowingly leave the jurisdiction with intent to avoid deportation**

**Note:** Only federal and tribal LEAs may report 49C Flight to Avoid Deportation.

#### 39A – 39D 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

While explicit definitions are provided for most Group A crimes, some crimes, such as Gambling Offenses, depend on the violation of locally established statutes. For example, in those areas of the nation where gambling is legal, agencies should report gambling offenses only if they violate the statutes of the jurisdiction.

If a seizure is involved, the reporting agency must enter the type of property seized, e.g., money or gambling equipment, in Data Element 15 (Property Description) and its value in Data Element 16 (Value of Property).

#### 39A 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**

#### 39B Operating/Promoting/Assisting Gambling

**To unlawfully operate, promote, or assist in the operation of a game of chance, lottery, or other gambling activity**

This offense includes bookmaking, numbers running, transmitting wagering information, etc.

### 39C Gambling Equipment Violations

To unlawfully manufacture, sell, buy, possess, or transport equipment, devices, and/or goods used for gambling purposes

Gambling paraphernalia is another name for such equipment.

Agencies must enter the type of activity (namely manufacturing, selling, buying, possessing, or transporting) in Data Element 12 (Type Criminal Activity/Gang Information).

### 39D Sports Tampering

To unlawfully alter, meddle in, or otherwise interfere with a sporting contest or event for the purpose of gaining a gambling advantage

This offense includes engaging in Bribery for gambling purposes. For example, if an offender bribed a jockey to lose a horse race, the agency must report the offense as Sports Tampering, not Bribery.

### 09A – 09C Homicide Offenses

The killing of one human being by another

LEAs should report the circumstances of a homicide in Data Element 31 (Aggravated Assault/Homicide Circumstances).

#### 09A Murder and Nonnegligent Manslaughter

The willful (nonnegligent) killing of one human being by another

As a general rule, agencies should classify in this category any death due to injuries received in a fight, argument, quarrel, assault, or commission of a crime. Although LEAs may charge offenders with lesser offenses, e.g., Negligent Manslaughter, agencies should report the offense as Murder and Nonnegligent Manslaughter if the killing was willful or intentional.

Agencies should not classify suicides, traffic fatalities (including those involving DUI), fetal deaths, assaults to murder, attempted murders, or accidental deaths as Murder and Nonnegligent Manslaughter. The National UCR Program traditionally excludes suicides, traffic



fatalities, and fetal deaths from its crime counts. In addition, the National UCR Program classifies assault to Murder and attempted murder as Aggravated Assault, and it counts some accidental deaths as Negligent Manslaughter.

Situations in which a victim dies of a heart attack as a result of a Robbery or of witnessing a crime likewise do not meet the criteria for inclusion as Murder and Nonnegligent Manslaughter. An offender cannot willfully cause someone to have a heart attack. Even in instances where an individual has a weak heart, there is no assurance an offender can cause sufficient emotional or physical stress to guarantee the victim will suffer a fatal heart attack.

<b>Note:</b> The findings of a court, coroner's inquest, etc., should not influence the reporting of offenses in this category.
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### 09B Negligent Manslaughter

#### The killing of another person through negligence

This offense includes killings resulting from hunting accidents, gun cleaning, children playing with guns, and arrests associated with driving under the influence, distracted driving (using a cell/smartphone) and reckless driving traffic fatalities.

<b>Note:</b> It does not include deaths of persons due to their own negligence, accidental deaths not resulting from gross negligence, and accidental traffic fatalities.
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### 09C 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

Justifiable Homicide, by definition, always occurs in conjunction with a serious criminal offense (i.e., a felony or high misdemeanor). Agencies must report the crime that was being committed when the Justifiable Homicide took place as a separate incident. The definition of an incident requires all offenders to act in concert. Certainly, the criminal killed justifiably did not act in concert with the police officer or civilian who killed him; likewise, the police officer or civilian who killed the criminal did not act in concert with the criminal in committing the offense that resulted in the Justifiable Homicide. Therefore, Justifiable Homicide cases involve at least two incidents rather than one. If the "justified" killer committed another offense in connection with the Justifiable Homicide (e.g., illegal possession of the gun he/she used), the LEA should report a third incident.

LE must report the additional circumstances regarding a Justifiable Homicide in Data Element 32 (Additional Justifiable Homicide Circumstances).

#### 64A – 64B 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**

#### 64A 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**

#### 64B 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 involuntary servitude, peonage, debt bondage, or slavery (not to include commercial sex acts)**

### 30A – 30D Immigration Violations

#### 30A Illegal Entry into the United States\*

To attempt to enter the U.S. at any time or place other than as designated; or eludes examination/inspection by immigration officers

Immigration Violation Illegal Entry into the United States is a Crime Against Society.

<b>Note:</b> Only federal LEA may report 30A Illegal Entry into the United States.
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#### 30B False Citizenship\*

**Falsely and willfully representing oneself to be a citizen of the United States**

<b>Note:</b> Only federal and tribal LEAs may report 30B False Citizenship.
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### 30C Smuggling Aliens\*

**To knowingly assist, abet, or aid another person to enter, or try to enter, the United States illegally**

**Note:** Only federal and tribal LEAs may report 30B Smuggling Aliens.

### 30D Re-entry after Deportation\*

The act of entering, attempting to enter, or being found in the United States after being removed, excluded, deported, or has departed the United States while an order of removal exclusion or deportation is outstanding

**Note:** Only federal and tribal LEAs may report 30D Re-entry after Deportation.

## 100 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

Kidnapping/Abduction includes hostage and parental abduction situations as well. This offense is the only Crime Against Person for which LEAs must report property information. In such cases, the property segment is necessary to report information regarding any ransom paid for the victim's release. Although the object of a kidnapping may be to obtain money or property, LEAs may only report the persons actually kidnapped, abducted, or detained against their will as victims for this offense type. Those persons or organizations paying ransoms must not be counted as victims for Kidnapping/Abduction offenses.

**Note:** If no ransom is paid, Data Element 14 (Type Property Loss/Etc.) Must be reported as 1 = None.

## 23A – 23H Larceny/Theft Offenses

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

Larceny and Theft mean the same thing in the UCR Program. Local offense classifications such as grand theft, petty larceny, felony larceny, or misdemeanor larceny have no bearing on the fact that LEAs should report one offense for each distinct operation of such larcenies for UCR purposes, regardless of the value of the property stolen.

When multiple types of Larceny/Theft occur within a single incident, agencies should report all types of Larceny/Theft involved. LEAs should report multiple Larceny/Theft offenses because these offenses are not inherent.

For example, if an individual stole a factory-installed radio valued at \$600 and a laptop computer valued at \$1,500 from a motor vehicle in the same incident, the agency should report both offenses—Theft of Motor Vehicle Parts or Accessories for the radio and a Theft From Motor Vehicle for the laptop.

The FBI's UCR Program does not include Motor Vehicle Theft in the Larceny/Theft offense category. Because of the great volume of such thefts, the FBI's UCR Program counts these offenses separately. Also, agencies should not classify embezzlement, fraudulent conversion of entrusted property, conversion of goods lawfully possessed by a bailee, counterfeiting, obtaining money by false pretenses, larceny by check, larceny by bailee, and check fraud as Larceny offenses. Each of these crimes falls within other offense categories.

Agencies should enter the type of property that was the object of the theft in Data Element 15 (Property Description).

### 23A 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

This type of theft includes removal of such items as wallets from women's purses and men's pockets and usually occurs in a crowded area or on public transportation to disguise the activity. Agencies should also classify a theft from a person in an unconscious state, including an individual who is drunk, as Pocket-picking.

**Note:** If the offender manhandled the victim in any way or used force beyond simple jostling to overcome the victim's resistance, the agency must classify the offense as a Strong-Arm Robbery.

### 23B Purse-snatching

The grabbing or snatching of a purse, handbag, etc., from the physical possession of another person

If the victim left a purse or other item of value unattended in a location which was open to the general public and the item was subsequently stolen, the agency should classify the incident as 23D = Theft from Building, 23F = Theft From Motor Vehicle, or other appropriate Larceny

category and not as a 23B = Purse-snatching. Purse-Snatching only applies when the victim has physical possession of the item (i.e., it is on the victim's person).

**Note:** If the offender used more force than was actually necessary to snatch the purse from the grasp of the victim, or if the victim resists the theft in any way, then a Strong-Arm Robbery occurred rather than a Purse-snatching.

### 23C Shoplifting

The theft by someone other than an employee of the victim of goods or merchandise exposed for sale

This violation assumes the offender had legal access to the premises, and thus, no trespass or unlawful entry was involved. This offense includes thefts of merchandise displayed as part of the stock in trade outside of buildings such as department stores, hardware stores, supermarkets, and fruit stands.

### 23D 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

Theft from Building includes thefts from such places as churches, restaurants, schools, libraries, public buildings, and other public and professional offices during the hours when such facilities are open to the public. Agencies should not include Shoplifting and Thefts from Coin-Operated Machines or Devices within open buildings, but should classify these as other specific larceny types.

For example, if an individual invites another person to their home for a meal, and the other person steals something from the home during the course of the meal, the incident should be classified as Theft from Building (the guest had every right to be in the home but they stole something from the home while they were there).

**Note:** LE should report a theft from a structure where the offender entered the structure illegally, as burglary and not as larceny.

### 23E Theft from Coin-Operated Machine or Device

A theft from a machine or device that is operated or activated by the use of coins

This includes machines or devices that accept paper money as well as those which accept coins. Examples include candy and food vending machines; telephone coin boxes; parking meters; pinball machines; or washers and dryers located in laundromats where no breaking or illegal entry of the building is involved.

If an offender breaks into a building or illegally enters a building and rifles a coin-operated machine for money and/or merchandise, LE should classify this as Burglary.

#### 23F Theft from Motor Vehicle (except Theft of Motor Vehicle Parts or Accessories)

##### The theft of articles from a motor vehicle, locked or unlocked

This type of Larceny includes thefts from automobiles, trucks, truck trailers, buses, motorcycles, motor homes, or other recreational vehicles. It also includes thefts from any area in the automobile or other type of vehicle, e.g., the trunk, glove compartment, or other enclosure. Some of the items stolen in this type of theft are cameras, suitcases, apparel, packages, etc., that are not an integral part of the vehicle.

Agencies should not include items considered automobile accessories, as they fall under Theft of Motor Vehicle Parts and Accessories. For Larceny situations in which offenders steal both articles from the motor vehicle and motor vehicle parts and accessories, agencies should report Theft from Motor Vehicle and Theft of Motor Vehicle Parts and Accessories with each corresponding property type/loss; conversion of NIBRS data to SRS data will classify one type of larceny/theft based upon the higher loss value and combine the lesser with it.

**Note:** As stated on page 32 of the *NIBRS User Manual*, Version 1.0, dated January 17, 2013, “When multiple types of larceny/theft occur within a single incident, agencies should report all types of larceny/theft involved. LEAs should report multiple offenses because these offenses are not inherent.”

Certain state statutes might interpret Thefts From Motor Vehicles as Burglaries. However, agencies must classify these offenses as larcenies for UCR purposes. If a Theft From a Motor Vehicle occurs in conjunction with a Motor Vehicle Theft, the agency will most often report the incident as a Motor Vehicle Theft and record the stolen property within the appropriate property-type categories. If, however, the reporting jurisdiction determines the real object of the theft was the contents, rather than the vehicle, it may report two offenses: the Motor Vehicle Theft and the Theft From a Motor Vehicle.

For example, if an offender stole an automobile with a coat in the back seat, the responding agency would report the offense as Motor Vehicle Theft and account for the coat as property stolen in connection with the automobile theft. Conversely, an agency could report the theft of

a tractor-trailer (truck) containing a shipment of televisions as two offenses if, in the judgment of the reporting agency, the real object of the theft was the televisions, e.g., the truck was found abandoned and empty not far from the scene of the theft. In this situation, the LEA should also classify the two offenses as Cargo Theft.

### 23G 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

This Larceny subcategory includes thefts of motors, transmissions, radios, heaters, hubcaps and wheel covers, manufacturers' emblems, license plates, side-view mirrors, siphoned gasoline, built-in DVD players, mounted GPS devices, catalytic converter, tires on car, etc. If such items were not part of the vehicle and were only being transported in the vehicle when stolen, the reporting agency should classify the offense as Theft From a Motor Vehicle.

### 23H All Other Larceny

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

All Other Larceny includes thefts from fenced enclosures, boats (houseboats if used for recreational purposes), and airplanes. It also includes the illegal entry of a tent, tent trailer, or travel trailer used for recreational purposes, followed by a theft or attempted theft. Examples of items stolen from areas in which the offender did not break into a structure are thefts of animals, lawnmowers, lawn furniture, hand tools, and farm and construction equipment.

Agencies should also classify instances that the offender takes gasoline from a self-service gas station and leaves without paying as All Other Larceny.

## 240 Motor Vehicle Theft

### The theft of a motor vehicle

The national UCR Program defines motor vehicle as 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 classification also includes minivans (which primarily transport people), 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.

- Buses—motor vehicles specifically designed (but not necessarily used) to transport groups of people on a commercial basis
- Recreational Vehicles—motor vehicles specifically designed (but not necessarily used) to transport people and provide them with temporary lodging for recreational purposes
- 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.

- 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

Using the vehicle descriptions above, agencies should enter the type of motor vehicle in Data Element 15 (Property Description).

**Note:** LEAs should classify full-size vans, both regular wheelbase and extended wheelbase, as buses, recreational vehicles, or trucks depending upon their configuration, e.g., vans with rows of seats (buses), custom vans with temporary lodging accommodations (recreational vehicles), and work vans with primarily cargo areas (trucks).

Agencies should report incidences of carjacking as 120 = Robbery, with the type of vehicle taken (automobile, truck, etc.) identified in the property description. The offense of 240 = Motor Vehicle Theft is not to be identified as an additional offense, as the stolen motor vehicle is the proceeds of the offense of robbery, and not a separate, distinct operation. Consequently, Data Element 18 (Number of Stolen Motor Vehicles) and Data Element 19 (Number of Recovered Motor Vehicles) are not used.

When the offender takes a motor vehicle from the garage of a house during a Burglary, the LEA should report the offense as 220 = Burglary/Breaking & Entering and should identify the type of vehicle taken (automobile, truck, etc.) in the property description. The offense 240 = Motor



Vehicle Theft is not to be identified as an additional offense because the stolen motor vehicle is the proceeds of the burglary, and not a separate, distinct operation. Consequently, Data Element 18 (Number of Stolen Motor Vehicles) and Data Element 19 (Number of Recovered Motor Vehicles) are not used.

Agencies should classify incidents as Motor Vehicle Theft when persons not having lawful access take automobiles even if the vehicles were later abandoned, e.g., joyriding. Agencies should not include the taking of a vehicle for temporary use when prior authority has been granted or can be assumed, such as in family situations; or unauthorized use by chauffeurs and others having lawful access to the vehicle. Other Group A offenses may have occurred in these situations. For example, if a chauffeur steals a car entrusted to his care, the responding agency should report embezzlement.

**Note:** Motor Vehicle Thefts do not include farm equipment (tractors, combines, etc.); that falls under a separate property description.

### **370 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

LEAs must enter up to three of the types of activity (manufacturing, publishing, selling, buying, or possessing) into Data Element 12 (Type Criminal Activity/Gang Information).

### **40A – 40C Prostitution Offenses**

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

##### **40A Prostitution**

#### **To engage in commercial sex acts for anything of value**

This offense involves prostitution by both males and females.

##### **40B 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**

## 40C Purchasing Prostitution

To purchase or trade anything of value for commercial sex acts

## 120 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

Robbery involves the offender taking or attempting to take something of value from a victim, usually the property owner or custodian, by the use of force or threat of force. (The victim must be present.) If there is no direct confrontation and the victim is not in fear of immediate harm, LE should report Extortion. Though direct confrontation occurs in Pocket-pickings or Pursesnatchings, force or threat of force is absent. However, if during a Purse-snatching or other such crime, the offender uses force or threat of force to overcome the active resistance of the victim, LE should classify the offense as Robbery.

LE should classify cases involving pretend weapons or those in which the robber claims to possess a weapon but the victim does not see it as Robbery and report the alleged weapon. If an immediate on-view arrest proves there was no weapon, the agency should classify the offense as Robbery and report the weapon with the data value "None."

Because assault is an element of Robbery, LE should not report an assault as a separate crime if the offender committed the assault in furtherance of the Robbery. However, if the injury results in death, LE must also report a homicide offense.

As in the case of all Crimes Against Property, LE should report only one offense for each distinct operation of Robbery, regardless of the number of victims involved. However, the victims of a Robbery include not only those persons and other entities (businesses, financial institutions, etc.) from whom property was taken (or was attempted to be taken), but also those persons toward whom the robber(s) directed force or threat of force in perpetrating the offense. Therefore, although the primary victim in a bank robbery would be the financial institution, LE should report as a victim the teller toward whom the robber pointed a gun and made a demand, as well as any other person against whom the offender committed an assault during the course of the Robbery.

LE should enter the type of weapon/force used (or threatened) and the resulting injury in Data Element 13 (Type Weapon/Force Involved) and Data Element 33 (Type Injury).

## 11A – 11D 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**

### 11A 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

Agencies should classify the crime as Rape, regardless of the age of the victim, if the victim did not consent or if the victim was incapable of giving consent. If the victim consented, the offender did not force or threaten the victim, and the victim was under the statutory age of consent, agencies should classify the crime as statutory rape.

*Black's Law Dictionary*, 6th ed., defines *carnal knowledge* as “the act of a man having sexual bodily connections with a woman; sexual intercourse.” There is *carnal knowledge* if there is the slightest penetration of the sexual organ of the female (vagina) by the sexual organ of the male (penis). However, for UCR purposes, this offense includes the rape of both males and females if at least one of the offenders is the opposite sex of the victim.

In cases where several offenders rape one person, the responding agency should count one Rape (for one victim) and report separate offender information for each offender.

### 11B 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

If the offender both raped and sodomized the victim in one incident, then LEAs should report both offenses.

### 11C 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.**

An “object” or “instrument” is anything used by the offender other than the offender’s genitalia, e.g., a finger, bottle, handgun, stick.

### 11D 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.**

### 36A – 36B, 360 Sex Offenses

#### **Unlawful sexual intercourse**

#### 36A Incest

**Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.**

#### 36B Statutory Rape

**Sexual intercourse with a person who is under the statutory age of consent.**

There is no force or coercion used in Statutory Rape; the act is not an attack. LEAs should classify an offense as Statutory Rape based on the state’s Statutory Rape laws and the findings of the LE investigation.

#### 360 Failure to Register as a Sex Offender\*

**To fail to register or keep current a registration as required by state and federal laws.**

<b>Note:</b> Only federal and tribal LEAs may report 360 Failure to Register as a Sex Offender.
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### 280 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.**

Reporting agencies must enter at least one but no more than three types of activity (receiving, buying, selling, possessing, concealing, and/or transporting) in Data Element 12 (Type Criminal Activity/Gang Information).

### 101 Treason\*

**Whoever, owing allegiance to the United States, levies war against them or adheres to their enemies, giving them aid and comfort within the United States or elsewhere.**

<b>Note:</b> Only federal and tribal LEAs may report 101 Treason.
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## 520-526 Weapon Law Violations

### 520 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

This offense includes violations such as the manufacture, sale, or possession of deadly weapons; carrying deadly weapons, concealed or openly; using, manufacturing, etc., silencers; and furnishing deadly weapons to minors.

Reporting agencies should enter the type of activity (manufacturing, buying, selling, transporting, possessing, concealing, or using) in Data Element 12 (Type Criminal Activity/Gang Information) and the type of weapon in Data Element 13 (Type Weapon/Force Involved).

### 521 Violation of National Firearms Act of 1934\*

**To manufacture, import, sell, purchase, transfer, possess, or transport in interstate commerce, a firearm knowing it has the characteristics or features of a short barreled rifle or shotgun, machine gun, silencer, destructive device, or any other weapon as defined at 26 USC § 5845(a) in violation of the provisions of the National Firearms Act (generally non-tax paid, unregistered)**

<b>Note:</b> Only federal and tribal LEAs may report 521 Violation of National Firearms Act of 1934.
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### 522 Weapons of Mass Destruction\*

To knowingly violate the federal law prohibiting the unlawful use, attempted use, conspiracy to use, or use of interstate travel or facilities in furtherance of the use of a weapon of mass destruction as defined by federal law

<b>Note:</b> Only federal and tribal LEAs may report 522 Weapons of Mass Destruction.
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### *526 Explosives\**

**To knowingly violate the federal law prohibiting the manufacture, importation, sale, purchases, transfer, possession, unlawful use, intra or interstate transportation, or improper storage of any chemical compound mixture the primary or common purpose of which is to function by explosion including explosive materials or any explosive bomb, rocket, grenade, missile, or similar device, or any incendiary bomb or grenade, fire bomb, or “Molotov cocktail”**

Explosives is a Crime Against Society with Property. The offense should follow the same rules as Weapons Law Violations (520) but also contain a property segment.

<b>Note:</b> Only federal and tribal LEAs may report 526 Explosives.
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## ***Group B Offenses***

There are 13 Group B crime categories encompassing offenses not considered Group A offenses. The offense categories listed below are in alphabetical order. Each entry includes the following information:

- NIBRS offense code, offense name
- Definition
- Considerations and examples (as appropriate)

### *90A Bad Checks (except Counterfeit Checks or Forged Checks)*

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

This offense includes insufficient funds checks but not counterfeit checks or forged checks, e.g., 250 = Counterfeiting/Forgery.

### *90B 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**

This offense includes begging, vagabondage, and panhandling, etc.

#### 90C Disorderly Conduct

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

This offense includes affray (when not physical), blasphemy, profanity, obscene language, disturbing the peace, indecent exposure, loud music, and public nuisance.

#### 90D 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

This offense includes driving while intoxicated and operating an airplane, boat, bus, streetcar, train, etc., while under the influence.

#### 90E Drunkenness (except Driving Under the Influence)

To drink alcoholic beverages to the extent that one's mental faculties and physical coordination are substantially impaired

This offense includes drunk and disorderly, common drunkard, habitual drunkard, and intoxication.

#### 90F 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

Nonviolent Family Offenses include abandonment, desertion, neglect, nonsupport, nonviolent abuse, and nonviolent cruelty to other family members. This category also includes the nonpayment of court-ordered alimony (i.e., considered to be contempt of court) within the

reporting jurisdiction. Agencies should not include the victims of these offenses taken into custody for their own protection.

#### 90G Liquor Law Violations (except Driving Under the Influence and Drunkenness)

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

Liquor Law Violations include violations of laws or ordinances prohibiting the maintenance of unlawful drinking places, operating without a liquor license, underage drinking, furnishing liquor to a minor, bootlegging, operating a still, using a vehicle for the illegal transportation of liquor, etc.

#### 90H Peeping Tom

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

#### 90J Trespass of Real Property

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

All Burglary offenses include the element of trespass. Trespassing, however, involves entry with no intent to commit a felony or theft.

#### 90K Bond Default\*

The failure to appear in court without a satisfactory excuse, after bond has been set

The judge sets the bond and determines what is or is not a satisfactory excuse for failing to appear in court.

<b>Note:</b> Only federal and tribal LEAs may report 90K Bond Default.
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#### 90L Federal Resource Violations\*

**To unlawfully and intentionally damage or destruct national resources including those protected under any Act intended to preserve or protect the national's environmental, natural, cultural, or historically significant resources.**



**Note:** Only federal and tribal LEAs may report 90L Federal Resource Violations.

#### 90M Perjury\*

**To knowingly or intentionally communicate or certify an untruth through testimony, declaration, deposition, or certificate before a competent tribunal, officer, or person in which a law of the United States authorizes an oath to be administered**

**Note:** Only federal and tribal LEAs may report 90M Perjury.

#### 90Z All Other Offenses

All crimes that are not Group A offenses and not included in one of the specifically named Group B crime categories listed previously

This category includes Offenses of General Applicability if the substantive offense is a Group A offense unless it is an integral component of the Group A offense such as human trafficking. Offenses of General Applicability are those offenses prefixed by Accessory Before/After the Fact, Aiding and Abetting, Assault to Commit, Conspiracy to Commit, Enticement, Facilitation of, Solicitation to Commit, Threat to Commit, or any other prefix identifying it as other than the substantive offense.

Generally, this category excludes traffic offenses. However, the vehicle-related offenses of Hit and Run (of a person) and Vehicular Manslaughter, along with Driving Under the Influence, which is a separate Group B offense, have their own categories. Hit and Run (of a person) and Vehicular Manslaughter incidents could be Group A or Group B offenses depending on the circumstances of the incidents. Driving Under the Influence offenses should be classified as the Group B offense of 90D = Driving Under the Influence.