

DEFINITIONS OF CRIMES OF VIOLENCE

“Crimes of violence,” as defined in Appendix A to Title 34, Part 99, of the Code of Federal Regulations, include:

1. Arson:

Any willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling house, public building, motor vehicle or aircraft, personal property of another, and the like.

2. Assault Offenses:

An unlawful attack by one person upon another. **Note:** By definition there can be no “attempted” assaults, only “completed” assaults.

a. Aggravated assault. An unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is accompanied by the use of a weapon or by means likely to produce death or great bodily harm. (It is not necessary that injury result from an aggravated assault when a gun, knife, or other weapon is used that could and probably would result in serious injury if the crime were successfully completed.)

b. 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.

c. Intimidation. To unlawfully place another person in reasonable fear of bodily harm through the use of threatening words or other conduct, or both, but without displaying a weapon or subjecting the victim to an actual physical attack.
Note: This offense includes stalking.

3. Burglary:

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

4. Criminal Homicide—Manslaughter by Negligence:

The killing of another person through gross negligence.

5. Criminal Homicide—Murder and Nonnegligent Manslaughter:

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

6. Destruction/Damage/Vandalism of Property:

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.

7. Kidnapping/Abduction:

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The unlawful seizure, transportation, or detention of a person, or any combination of these actions, against his or her will, or of a minor without the consent of his or her custodial parent(s) or legal guardian. **Note:** Kidnapping/abduction includes hostage taking.

8. Robbery:

The taking of, or attempting to take, anything of value under confrontational circumstances from the control, custody, or care of a person or persons by force or threat of force or violence or by putting the victim in fear. **Note:** Carjackings are robbery offenses where a motor vehicle is taken through force or threat of force.

9. Sex Offenses, Forcible:

Any sexual act directed against another person, forcibly or against that person's will, or both; or not forcibly or against the person's will where the victim is incapable of giving consent.

- a. Forcible rape (except "statutory rape"). The carnal knowledge of a person, forcibly or against that person's will, or both; or not forcibly or against the person's will where the victim is incapable of giving consent because of his or her temporary or permanent mental or physical incapacity (or because of his or her youth).
- b. Forcible sodomy. Oral or anal sexual intercourse with another person, forcibly or against that person's will, or both; or not forcibly or against the person's will where the victim is incapable of giving consent because of his or her youth or because of his or her temporary or permanent mental or physical incapacity.
- c. 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, forcibly or against that person's will, or both; or not forcibly or against the person's will where the victim is incapable of giving consent because of his or her youth or because of his or her temporary or permanent mental or physical incapacity. **Note:** An "object" or "instrument" is anything used by the offender other than the offender's genitalia. Examples are a finger, bottle, handgun, stick, and the like.
- d. Forcible fondling. The touching of the private body parts of another person for the purpose of sexual gratification, forcibly or against that person's will, or both; or not forcibly or against the person's will where the victim is incapable of giving consent because of his or her youth or because of his or her temporary or permanent mental or physical incapacity. **Note:** Forcible fondling includes "indecent liberties" and "child molesting."

10. Nonforcible Sex Offenses (Except "Prostitution Offenses"):

Unlawful, nonforcible sexual intercourse.

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