

Attachment 5

Crime Definitions

(Except where otherwise noted, the definitions listed below are applicable to both Acts and are excerpted from the Federal Bureau of Investigation's Uniform Crime Reporting Program, Uniform Crime Reporting Handbook; the specific wording of the definitions in the Minger Act may differ slightly from the federal definitions. The definitions for crimes specific to the Clery Act are also excerpted from the Uniform Crime Reporting Handbook. The definitions for crimes specific to the Minger Act are excerpted from the Kentucky Revised Statutes.)

CRIMINAL OFFENSES

CRIMINAL HOMICIDE

Murder And Non-Negligent Manslaughter: The willful (non-negligent) killing of one human being by another.

Negligent Manslaughter: The killing of a person through gross negligence.

SEX OFFENSES

Forcible: Any sexual act directed against another person, forcibly and/or against that person's will; or not forcibly or against the person's will where the victim is incapable of giving consent. This includes attempts.

Forcible Rape: The carnal knowledge of a person, forcibly and/ or against that person's will; or not forcibly or against the person's will where the victim is incapable of giving consent because of his/her temporary or permanent mental or physical incapacity (or because of his/her youth).

Forcible Sodomy: Oral or anal sexual intercourse with another person; forcibly and against the person's will; or not forcibly or against the person's will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity.

Sexual Assault With An Object: The use of an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person; forcibly and against the person's will; or not forcibly or against the person's will where the victim is incapable of giving consent because of his/her youth 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.)

Forcible Fondling: The touching of the private parts of another person for the purpose of sexual gratification, forcibly and against the person's will; or not forcibly or against the person's will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity.

Non Forcible: Any unlawful, non-forcible sexual intercourse.

Statutory Rape: Non-forcible sexual intercourse with a person who is under the statutory age of consent. (In Kentucky the age of consent is sixteen (16) years old.)

Incest: Non-forcible sexual intercourse between persons who are related to each other within degrees wherein marriage is prohibited by law.

DOMESTIC VIOLENCE: includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.

DATING VIOLENCE: includes felony or misdemeanor crimes of violence committed by a dating partner. The term "dating partner" refers to a person who is or has been in a social relationship of a romantic or intimate nature with the abuser, and where the existence of such a relationship shall be determined based on a consideration of the length of the relationship; the type of relationship; and the frequency of interaction between the persons involved in the relationship.

STALKING: Stalking In The First Degree (KRS508.140) is defined as intentionally stalking another person and making an explicit or implicit threat with the intent to place that person in reasonable fear of sexual contact, serious physical injury, or death; and a protective order has been issued, or a criminal complaint is currently pending, or the defendant has been convicted of or pled guilty within the previous five (5) years to a felony or to a Class A misdemeanor against the same victim or victims; or the act or acts were committed while the defendant had a deadly weapon on or about his person.

Stalking In The Second Degree: (KRS508.150) is defined as intentionally stalking another person and making an explicit or implicit threat with the intent to place that person in reasonable fear of sexual contact, serious physical injury, or death.

ROBBERY: The taking or attempting to take anything of value from the care, custody, or control of a person or persons by force or threat of force or violence and/or by putting the victim in fear.

ASSAULT:

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.

Simple Assault: An unlawful 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.

BURGLARY: The unlawful entry of a structure to commit a felony or a theft. For reporting purposes this definition includes: unlawful entry with intent to commit a larceny or felony; breaking and entering with intent to commit a larceny; housebreaking; safecracking; and all attempts to commit any of the aforementioned.

MOTOR VEHICLE THEFT: The theft or attempted theft of a motor vehicle. (This does not include thefts from motor vehicles.) This includes all cases where automobiles are taken by persons not having lawful access even though the vehicles are later abandoned – including joyriding.

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

MENACING (KRS508.050): Intentionally placing another person in reasonable apprehension of imminent physical injury.

WANTON ENDANGERMENT:

Wanton Endangerment In The First Degree (KRS508.060): When, under circumstances manifesting extreme indifference to the value of human life, the defendant wantonly engages in conduct which creates a substantial danger of death or serious physical injury to another person.

Wanton Endangerment In The Second Degree (KRS508.070): Wantonly engaging in conduct which creates a substantial danger of physical injury to another person.

TERRORISTIC THREATENING: To unlawfully place another person in reasonable fear of bodily harm through the use of threatening words and/or conduct but without displaying a weapon or subjecting the victim to actual harm.

CRIMINAL DAMAGE TO PROPERTY – VANDALISM: To willfully or maliciously destroy, injure, disfigure, or deface any public or private property, real or personal, without the consent of the owner or person having custody or control by cutting, tearing, breaking, marking, painting, drawing, covering with filth, or any other such means as may be specified by local law.

LARCENY-THEFT: The unlawful taking, carrying, leading, or riding away of property from the possession or constructive possession of another. (Larceny and theft mean the same thing in the UCR.) **CONSTRUCTIVE POSSESSION** is the condition in which a person does not have physical custody or possession, but is in a position to exercise dominion or control over a thing.

CRIMINAL ATTEMPT: (KRS506.010): Intentionally engaging in conduct which would constitute the crime if the attendant circumstances were as he believes them to be; or intentionally doing or omitting to do anything which is a substantial step in a course of conduct planned to culminate in his commission of the crime; or engaging in conduct intended to aid another person to commit that crime, although the crime is not committed or attempted by the other person.

HATE CRIMES: Any criminal offense (as listed above) committed against a person or property which is motivated, in whole or part, by the offender's bias. Bias is a preformed negative opinion or attitude toward a group of persons based on their race, gender, religion, disability, sexual orientation or ethnicity/national origin.

Categories of Bias

RACE: A preformed negative attitude toward a group of persons who possess common physical characteristics (e.g., color of skin, eyes, and/or hair; facial features, etc.) genetically transmitted by descent and heredity which distinguish them as a distinct division of humankind (e.g., Asians, blacks, whites).

GENDER: A preformed negative opinion or attitude toward a group of persons because those persons are male or female.

RELIGION: A preformed negative opinion or attitude toward a group of persons who share the same religious beliefs regarding the origin and purpose of the universe and the existence or nonexistence of a supreme being (e.g., Catholics, Jews, Protestants, atheists).

SEXUAL ORIENTATION: A preformed negative opinion or attitude toward a group of persons based on their sexual attraction toward, and responsiveness to, members of their own sex or members of the opposite sex (e.g. Gays, lesbians, heterosexuals).

ETHNICITY/NATIONAL ORIGIN: A preformed negative opinion or attitude toward a group of persons of the same race or national origin who share common or similar traits, languages, customs and traditions (e.g., Arabs, Hispanics).

DISABILITY: A preformed negative opinion or attitude toward a group of persons based on their physical or mental impairments/challenges, whether such disability is temporary or permanent, congenital or acquired by heredity, accident, injury, advanced age or illness.