

Lesser included and mutually exclusive offenses as listed below should not be scored for NIBRS purposes when they occur against the same victim. While it may be appropriate for officers to list the state-statute crimes for these offenses because they are laws which were violated, they should not be counted as a NIBRS offense. Each vendor's RMS has a different method for "unscoring" an offense in a report. Be sure you are familiar with how your system handles these situations.

**Lesser Included Offenses:** A "lesser included" offense is one that is an element of another offense and should not be counted as having happened to the victim along with the other offense.

**Mutually Exclusive Offenses:** Offenses which cannot occur to the same victim due to NIBRS offense definitions.

| PRIMARY OFFENSE                    |  |   |  |   |   |  |
|------------------------------------|--|---|--|---|---|--|
| OFFENSES                           | Murder   | Negligent Manslaughter  | Agg. Assault                               | Rape  | Sodomy  | Sexual Assault w/ Object   |
| <b>Lesser Included Offenses</b>    | 13A (Agg. Assault)<br>13B (Simple Assault)<br>13C (Intimidation) | N/A   | 13B (Simple Assault)<br>13C (Intimidation) | 13A (Agg. Assault)<br>13B (Simple Assault)<br>13C (Intimidation)<br>11D (Fondling)  | 13A (Agg. Assault)<br>13B (Simple Assault)<br>13C (Intimidation)<br>11D (Fondling)  | 13A (Agg. Assault)<br>13B (Simple Assault)<br>13C (Intimidation)<br>11D (Fondling) |
| <b>Mutually Exclusive Offenses</b> | 09B (Neg. Man.)  | 09A (Murder)<br>13A (Agg. Assault)<br>13B (Simple Assault)<br>13C (Intimidation)                            | N/A  | 36A (Incest)<br>36B (Statutory Rape)  | 36A (Incest)<br>36B (Statutory Rape)  | 36A (Incest)<br>36B (Statutory Rape)   |
| OFFENSES                           | Fondling   | Robbery   | Simple Assault                             | Incest  | Statutory Rape  |  |
| <b>Lesser Included Offenses</b>    | 13B (Simple Assault)<br>13C (Intimidation)                       | 13A (Agg. Assault)<br>13B (Simple Assault)<br>13C (Intimidation)<br>23A – 23H = All theft<br>240 (MV Theft) | 13C (Intimidation)                         | N/A   | N/A   |  |
| <b>Mutually Exclusive Offenses</b> | 36A (Incest)<br>36B (Statutory Rape)                             | N/A   | N/A  | 11A (Rape)<br>11B (Sodomy)<br>11C (Sexual Assault With An Object)<br>11D (Fondling) | 11A (Rape)<br>11B (Sodomy)<br>11C (Sexual Assault With An Object)<br>11D (Fondling) |  |

### NIBRS OFFENSE CODE LIST- GROUP A CRIMES

|                                 |            |                                     |            |                              |            |
|---------------------------------|------------|-------------------------------------|------------|------------------------------|------------|
| <b>Animal Cruelty</b>           | <b>720</b> | <b>Homicide Offenses</b>            |            | Fondling                     | <b>11D</b> |
| <b>Arson</b>                    | <b>200</b> | Murder/Non-Negligent Man.           | <b>09A</b> | Incest                       | <b>36A</b> |
| <b>Assault Offenses</b>         |            | Negligent Manslaughter              | <b>09B</b> | Statutory Rape               | <b>36B</b> |
| Aggravated Assault              | <b>13A</b> | Justifiable Homicide                | <b>09C</b> | <b>Stolen Property</b>       | <b>280</b> |
| Simple Assault                  | <b>13B</b> | <b>Human Trafficking</b>            |            | <b>Weapon Law Violations</b> | <b>520</b> |
| Intimidation                    | <b>13C</b> | Commercial Sex Acts                 | <b>64A</b> |                              |            |
| <b>Bribery</b>                  | <b>510</b> | Involuntary Servitude               | <b>64B</b> |                              |            |
| <b>Burglary</b>                 | <b>220</b> | <b>Kidnapping/Abduction</b>         | <b>100</b> |                              |            |
| <b>Counterfeiting/Forgery</b>   | <b>250</b> | <b>Larceny/Theft Offenses</b>       |            |                              |            |
| <b>Destruction/Vandalism</b>    | <b>290</b> | Pocket-picking                      | <b>23A</b> |                              |            |
| <b>Drug/Narcotic Violations</b> |            | Purse-snatching                     | <b>23B</b> |                              |            |
| Drug Violation                  | <b>35A</b> | Shoplifting                         | <b>23C</b> |                              |            |
| Drug Equipment                  | <b>35B</b> | Theft From Building                 | <b>23D</b> |                              |            |
| <b>Embezzlement</b>             | <b>270</b> | Theft From Coin-Op Machine          | <b>23E</b> |                              |            |
| <b>Extortion/Blackmail</b>      | <b>210</b> | Theft from MV                       | <b>23F</b> |                              |            |
| <b>Fraud Offenses</b>           |            | Theft of MV Parts/Access'y          | <b>23G</b> |                              |            |
| False Pretenses/Swindle/Con     | <b>26A</b> | All Other Larceny                   | <b>23H</b> |                              |            |
| Credit Card/ATM Fraud           | <b>26B</b> | <b>Motor Vehicle Theft</b>          | <b>240</b> |                              |            |
| Impersonation                   | <b>26C</b> | <b>Pornography/Obscene Material</b> | <b>370</b> |                              |            |
| Welfare Fraud                   | <b>26D</b> | <b>Prostitution Offenses</b>        |            |                              |            |
| Wire Fraud                      | <b>26E</b> | Prostitution                        | <b>40A</b> |                              |            |
| Identity Theft                  | <b>26F</b> | Assisting/Promoting                 | <b>40B</b> |                              |            |
| Hacking/Computer Invasion       | <b>26G</b> | Purchasing                          | <b>40C</b> |                              |            |
| <b>Gambling Offenses</b>        |            | <b>Robbery</b>                      | <b>120</b> |                              |            |
| Betting/Wagering                | <b>39A</b> | <b>Sex Offenses</b>                 |            |                              |            |
| Operating/Promoting/Assisting   | <b>39B</b> | Rape                                | <b>11A</b> |                              |            |
| Gambling Equipment              | <b>39C</b> | Sodomy                              | <b>11B</b> |                              |            |
| Sports Tampering                | <b>39D</b> | Sex Assault with Object             | <b>11C</b> |                              |            |

### GROUP B CRIMES

|   |            |
|---|------------|
| <b>Curfew/Loitering/Vagrancy Violations</b> | <b>90B</b> |
| <b>Disorderly Conduct</b>                   | <b>90C</b> |
| <b>DUI</b>                                  | <b>90D</b> |
| <b>Family Offenses- Non-violent</b>         | <b>90F</b> |
| <b>Liquor Law Violations</b>                | <b>90G</b> |
| <b>Trespass of Real Property</b>            | <b>90J</b> |
| <b>All Other Offenses</b>                   | <b>90Z</b> |

### ADDITIONAL GROUP A OFFENSES FOR TRIBAL AND FEDERAL AGENCIES ONLY

|  |            |
|--|------------|
| <b>Import Violations</b>                         | <b>58A</b> |
| <b>Export Violations</b>                         | <b>58B</b> |
| <b>Federal Liquor Offenses</b>                   | <b>61A</b> |
| <b>Federal Tobacco Offenses</b>                  | <b>61B</b> |
| <b>Wildlife Trafficking</b>                      | <b>620</b> |
| <b>Espionage</b>                                 | <b>103</b> |
| <b>Money Laundering</b>                          | <b>26H</b> |
| <b>Harboring Escapee/Concealing from Arrest</b>  | <b>49A</b> |
| <b>Flight to Avoid Prosecution</b>               | <b>49B</b> |
| <b>Flight to Avoid Deportation</b>               | <b>49C</b> |
| <b>Illegal Entry into U.S.</b>                   | <b>30A</b> |
| <b>False Citizenship</b>                         | <b>30B</b> |
| <b>Smuggling Aliens</b>                          | <b>30C</b> |
| <b>Re-entry After Deportation</b>                | <b>30D</b> |
| <b>Failure to Register as Sex Offender</b>       | <b>360</b> |
| <b>Treason</b>                                   | <b>101</b> |
| <b>Violation of National Firearm Act of 1934</b> | <b>521</b> |
| <b>Weapons of Mass Destruction</b>               | <b>522</b> |
| <b>Explosives</b>                                | <b>526</b> |

|   |            |
|---|------------|
| <b>Import Violations</b>                        | <b>58A</b> |
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| <b>Wildlife Trafficking</b>                     | <b>620</b> |
| <b>Espionage</b>                                | <b>103</b> |
| <b>Money Laundering</b>                         | <b>26H</b> |
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| <b>Flight to Avoid Prosecution</b>              | <b>49B</b> |
| <b>Flight to Avoid Deportation</b>              | <b>49C</b> |
| <b>Illegal Entry into U.S.</b>                  | <b>30A</b> |
| <b>False Citizenship</b>                        | <b>30B</b> |

**ADDITIONAL GROUP B OFFENSES FOR TRIBAL AND FEDERAL AGENCIES ONLY**

|                                    |            |
|------------------------------------|------------|
| <b>Failure to Appear</b>           | <b>90K</b> |
| <b>Federal Resource Violations</b> | <b>90L</b> |
| <b>Perjury</b>                     | <b>90M</b> |