

MTIBRS

"Tip" of the Month



Theft From Building vs. Burglary

The Theft From Building offense is defined as a theft from within a building which is either open to the general public or to which the **offender has legal access**.

Thefts from buildings include those 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.

For example, if an individual invites another person to their home for a meal, and the other person takes 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).

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Theft from a Building vs. Burglary

Burglary is defined as 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.

The element of trespass is essential to the offense of Burglary.