

# NIBRS Tip of the Month

## Theft From A Building vs. Burglary



**Theft From A Building** is defined as a theft offense within a building which is either open to the general public or to which the **offender has legal access**. For example, buildings such as churches, restaurants, schools, libraries, and other public and professional offices during the hours when the facilities are open to the public.

**Burglary** is defined as the **unlawful entry** into a building or other structure with the intent to commit a felony or a theft. Law enforcement agencies should classify offenses locally known as Burglary (any degree), Breaking and Entering, and Safecracking as Burglary. The element of trespassing is essential to the offense of Burglary.

Note: Theft is an inherent element of Burglary and should not be reported as a separate offense if associated with the unlawful entry of a structure.

**Scenario:** If an individual is invited to someone's home for a meal and that individual steals something from the home during the visit, the incident should be classified as **Theft From A Building**. The guest had a right to be in the home (legal access) but stole something from the home while there. However, if the individual returned to the home while the homeowners were away, entered the home without permission (unlawful entry), and stole something, the incident should be classified as **Burglary**. And very bad manners.