

## Clery Act Qualifying Crimes

**\*\*All Crimes Below Include Attempts\*\***

**Aggravated Assault:** An unlawful assault upon the person of another for the purpose of inflicting severe or aggravated bodily injury; typically involving a weapon of some kind (includes attempts, and whether or not an injury occurred).

**Arson:** The willful or malicious burning or attempt to burn (with or without the intent to defraud) a dwelling, house, public building, motor vehicle or aircraft, or personal property of another (includes attempts).

**Burglary:** Three elements must be met for an incident to be classified as burglary: 1) unlawful entry, 2) into a structure, 3) for the purpose of committing a felony or theft. If those three elements are not met, the incident should not be classified as a burglary.

It is not burglary when items are taken from open access areas, such as dining halls and libraries, and the incident must occur in a structure (four walls, a roof and a door); automobiles, telephone booths, gym lockers and cubbies do not count. The offense of theft is not reportable under the Clery Act.

**Dating violence:** The term “dating violence” means violence committed by a person:

- (A) Who is or has been in a social relationship of a romantic or intimate nature with the victim; and
- (B) Where the existence of such a relationship shall be determined based on a consideration of the following factors:
  - a. The length of the relationship.
  - b. The type of relationship.
  - c. The frequency of interaction between the persons involved in the relationship.

**Domestic violence:** The term “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.

**Motor Vehicle Theft:** The taking of a motor vehicle without the consent of the owner with the intent to either permanently or temporarily deprive the owner of the vehicle (includes attempts).

(A) INCLUDED: cars/vans/trucks/busses, motorcycles, golf carts, ATVs, scooters, motorized wheelchairs, mopeds, and RVs.

(B) NOT INCLUDED: farm equipment, construction equipment, water craft, and aircraft.

**Murder:** The willful (non-negligent) killing of a human being by another.

**Negligent Manslaughter:** The killing of another person through gross negligence.

**Robbery:** The taking of personal property in the possession of another, from his/her immediate presence, and against his/her will, accomplished by means of force or fear (includes attempts).

**Sexual Assault:** Any sexual act directed against another person without the other person's consent (to include attempts).

(A) Rape: Penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.

(B) Forcible Fondling: The touching of the intimate parts [sexual organ, anus, groin, or buttocks of any person, or the breast of a female] of another person for the purpose of sexual gratification.

(C) Incest: Sexual intercourse between persons who are related to one another within the degrees wherein marriage is prohibited.

(D) Statutory Rape: Intercourse with a person who is under the age of consent -18 years.

**Stalking:** Engaging in a course of conduct directed at a specific person that would cause a reasonable person to:

(A) A Fear for his or her safety or the safety of others; or

(B) Suffer substantial emotional distress.

(C) '*Course of conduct*' means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means follows, monitors, observes, surveils, threatens, or communicates to or about, a person, or interferes with a person's property.

(D) The location (Clery Geography) of the stalking will be reported as occurring at only the first location where:

- a. The perpetrator engaged in the course of conduct
- b. The victim first became aware of the course of conduct

(E) Despite more than one act, stalking counts as one incident with one notable exception:

- a. Different calendar years

**Drug/Narcotic Violations:** The unlawful possession, sale, use, transportation, cultivation, manufacturing, maintaining an unlawful place.

**Alcohol Violations:** The unlawful possession, sale, transportation, manufacturing, furnishing alcohol to a minor (under 21 years), or maintaining an unlawful drinking place. The Clery Act does not require the reporting of ‘public drunkenness’ or ‘driving while under the influence’ offenses.

**Weapon Violations:** The unlawful possession or control of any firearm, deadly weapon, illegal knife or explosive device while on the property of UNC Chapel Hill except as required in the lawful course of business (i.e. sworn law enforcement personnel).

**Hate Crime:** a criminal act involving one or more of the aforementioned crimes, as well as the crimes of

- (A) **Larceny/Theft:** The unlawful taking, carrying, leading, or riding away of property from the possession or constructive possession of another.
- (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) **Destruction of Property/Vandalism:** 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.
- (D) **Intimidation:** 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 physical attack.

As well as any other crime involving bodily injury which is shown or suspected to have been motivated by bias against any person or group of persons, or the property of any person or group of persons based upon the perception that the person or group has one or more of the following characteristics:

- (A) **Ethnicity/National Origin:** A performed 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).
- (B) **Race:** A performed negative opinion or 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).
- (C) **Religion:** A performed 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).
- (D) **Disability:** A performed 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.
- (E) **Gender:** A performed negative opinion or attitude toward a group of persons because those persons are male or female.
- (F) **Sexual Orientation:** A performed 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).
- (G) **Gender Identity:** A performed negative opinion or attitude toward a group of persons based on their actual or perceived gender identity (e.g., bias against transgender or gender non-conforming individuals).

## **Clery Geography**

### **On-Campus Property:**

Any building or property owned or controlled by UNC Chapel Hill, within the same reasonably contiguous geographic area and used by UNC in direct support of, or in a manner related to, the its educational purposes. (The Dean Dome, Wilson Library, SASB, Friday Center, etc.)

### **Non-Campus Property:**

Any building or property owned or controlled by a student organization that is officially recognized by UNC but is **not** within the same reasonably contiguous geographic area of the institution. (Greek Houses, Winston House in London, The Institute of Marine Sciences in Morehead City, various TEACCH Centers, etc.)

### **Public Property:**

All public property including thoroughfares, streets, sidewalks, and parking facilities that is within the UNC Chapel Hill campus, or immediately adjacent to and accessible from the campus.

Includes the sidewalk, street, and opposite sidewalk immediately adjacent to UNC property, but does not include public property located beyond the opposite sidewalk.

## Alcohol, Drug and Weapons

### Alcohol Violations

The violation of state laws or local laws/ordinances prohibiting the: Manufacture, Sale, Purchase, Transportation, Possession, and Use of alcoholic beverages.

### Countable State and Local Ordinances

#### State Laws

- Manufacture, sale, transporting, furnishing, possessing, etc. of intoxicating liquor

N.C.G.S. § 18B-102. Manufacture, sale, etc., forbidden except as expressly authorized.

N.C.G.S. § 18B-102.1. Direct shipments from out-of-state prohibited. (Exemptions at § 18B-103).

N.C.G.S. § 18B-300. Purchase, possession and consumption of malt beverages and unfortified wine.

N.C.G.S. § 18B-301(f). Possession and consumption of fortified wine and spirituous liquor.

N.C.G.S. § 18B-302. Sale to or purchase by underage persons.

N.C.G.S. § 18B-303. Amounts of alcoholic beverages that may be purchased.

N.C.G.S. § 18B-304. Sale and possession for sale.

N.C.G.S. § 18B-307. Manufacturing offenses.

N.C.G.S. § 18B-308. Sale and consumption at bingo games.

N.C.G.S. § 18B-309. Alcoholic beverage sales in Urban Redevelopment Areas.

N.C.G.S. § 18B-400. Amounts that may be transported.

N.C.G.S. § 18B-401. Manner of transportation.

N.C.G.S. § 18B-402. Alcoholic beverages purchased out-of-State.

- Maintaining unlawful drinking places
- Bootlegging and Operating a still
- Furnishing liquor to a minor or intemperate person

N.C.G.S. § 18B-305. Other prohibited sales.

- Underage possession
  - Using a vehicle for illegal transportation of liquor
- N.C.G.S. § 20-138.7. Transporting an open container of alcoholic beverage.
- Drinking on train or public conveyance
  - Attempts to commit any of the above

#### Local Ordinances

##### Chapel Hill

Sec. 3-2. Consumption of malt beverages or unfortified wine on streets, sidewalks, municipal parking lots or any real estate or buildings owned or occupied by the town.

Sec. 3-3. Possession of open containers of malt beverages and unfortified wines on streets, sidewalks, municipal parking lots or any real estate or buildings owned or occupied by the town.

Sec. 3-4. Possession of malt beverages and unfortified wines on public streets, alleys, or parking lots which are temporarily closed to regular traffic for special events.

Sec. 3-5. Possession and consumption of malt beverages and unfortified wines at special events in municipal parking lots and on the top level of the Wallace Parking Plaza.

##### Carrboro

Sec 5-18. Consumption of Malt Beverages or Unfortified Wine on Public Property and Possession of Open Containers of Malt Beverages or Unfortified Wines on Public Property Prohibited.

##### Durham

Sec. 38-21. Alcoholic beverages—Possession and consumption in public buildings and parks.

Sec. 46-149. Possession of open containers of certain alcoholic beverages; disposal of containers, and consumption of certain alcoholic beverages.

Morehead City

Sec. 10-38. Consumption and possession of malt beverages and unfortified wine on public property prohibited.

Smithfield

Sec. 11-1. - Beverages—Drinking, display, open containers, in public places or at athletic contests.

Sec. 17-7. - Alcohol consumption on public property.

**Not countable State and Local Ordinances (Falls UCR Drunkenness and DUI/DWI)**

State:

N.C.G.S. § 14-444. Intoxicated and disruptive in public.

N.C.G.S. § 18B-105. Advertising.

N.C.G.S. § 20-138.1. Impaired driving.

N.C.G.S. § 20-138.2. Impaired driving in commercial vehicle.

N.C.G.S. § 20-138.2A. Operating a commercial vehicle after consuming alcohol.

N.C.G.S. § 20-138.2B. Operating a school bus, school activity bus, or child care vehicle after consuming alcohol.

N.C.G.S. § 20-138.2C. Possession of alcoholic beverages while operating a commercial motor vehicle.

N.C.G.S. § 20-138.3. Driving by person less than 21 years old after consuming alcohol or drugs.

N.C.G.S. § 20-138.5. Habitual impaired driving.

## **Drug Violations**

### **Countable State and Local Ordinances**

#### **Countable State**

- Violations of laws prohibiting the production, distribution, and/or use of certain controlled substances and the equipment or devices utilized in their preparation and/or use.

N.C.G.S. § 14-401.23. Unlawful manufacture, sale, delivery, or possession of Salvia divinorum.

N.C.G.S. § 90-89 through 90-95. Controlled substances and violations; penalties.

N.C.G.S. § 90-108 Prohibited acts; penalties. [Maintain dwelling/vehicle]

N.C.G.S. § 90-113.10 Inhaling an unlawful substance for the purpose of intoxication.

N.C.G.S. § 90-113.11. Possess an unlawful inhalent substance for the purpose of intoxication.

N.C.G.S. § 90-113.21. General provisions. (Paraphenalia)

N.C.G.S. § 90-113.22. Possession of drug paraphernalia.

N.C.G.S. § 90-113.22A. Possession of marijuana paraphernalia.

N.C.G.S. § 90-113.23. Manufacture or delivery of drug paraphernalia.

- Arrests for violations of state and local laws, specifically those related to the unlawful Possession, Sale, Use, Growing, Manufacturing or Making of narcotic drugs

See above

- The unlawful cultivation, manufacture, distribution, sale, purchase, use, possession, transportation or importation of any controlled drug or narcotic substance, including opium or cocaine and their derivatives (morphine, heroin, codeine); marijuana; synthetic narcotics (demerol, methadone) or dangerous nonnarcotic drugs (barbituates, benzedrine)

See above

#### **Local Ordinances**

##### **Durham**

Sec. 46-150. Loitering for the purpose of engaging in drug-related activity.

Sec. 46-151. Sale of drug stem intended for illegal drug use.

Kannapolis

Sec. 11-3. Loitering for the purpose of engaging in illegal drug-related activity.

Morehead City

Sec. 15-102. Prohibition on certain activities; circumstances manifesting activities. [drug loitering]

■ **Not countable State and Local Ordinances**

§ 90-95(a)(2) Possess counterfeit controlled substance w/intent to sell & deliver.

§ 90-113.24. Advertisement of drug paraphernalia.

## **Weapons Law Violations**

The violation of laws or ordinances prohibiting the: Manufacture, Sale, Purchase, Transportation, Possession, Concealment, or Use of firearms, cutting instruments, explosives, incendiary devices, or other deadly weapons.

## **Countable State and Local Ordinances**

### **State countable**

- manufacture, sale, or possession of deadly weapons;

N.C.G.S. § 14-269. Carrying concealed weapon.

N.C.G.S. § 14-269.2. Weapons on campus or other educational property. (as modified by S.L. 2015-195).

N.C.G.S. § 14-269.3. Carrying weapons into assemblies and establishments where alcoholic beverages are sold and consumed.

N.C.G.S. § 14-269.6. Possession and sale of spring-loaded projectile knives prohibited.

N.C.G.S. § 14-269.7. Prohibition on handguns for minors.

N.C.G.S. § 14-269.8. Purchase or possession of firearms by person subject to domestic violence order prohibited.

N.C.G.S. § 14-277.2. Weapons at parades, etc. prohibited.

N.C.G.S. § 14-288.8. Manufacture, assembly, possession, storage, transportation, sale, purchase, delivery, or acquisition of weapon of mass destruction and death; exceptions.

N.C.G.S. § 14-288.21. Unlawful manufacture, assembly, possession, storage, transportation, sale, purchase, delivery, or acquisition of a nuclear, biological, or chemical weapon of mass destruction; exceptions; punishment.

N.C.G.S. § 14-288.22. Unlawful use of a nuclear, biological, or chemical weapon of mass destruction; punishment.

N.C.G.S. § 14-401.6. Unlawful to possess, etc., tear gas except for certain purposes.

N.C.G.S. § 14-402. Sale of certain weapons without permit forbidden.

N.C.G.S. § 14-409. Machine guns and other like weapons.

N.C.G.S. § 14-415.1. Possession of firearms, etc., by felon prohibited.

N.C.G.S. § 14-415.3. Possession of a firearm or weapon of mass destruction by persons acquitted of certain crimes by reason of insanity or persons determined to be incapable to proceed prohibited.

N.C.G.S. § 14-401.24. Unlawful possession and use of unmanned aircraft systems.

- carrying deadly weapons, concealed or openly;
- using, manufacturing, etc. of silencers;
- furnishing deadly weapons to minors;

N.C.G.S. § 14-315. Selling or giving weapons to minors.

N.C.G.S. § 14-316. Permitting young children to use dangerous firearms.

- aliens possessing deadly weapons; and
- attempts to commit any of the above.

#### Countable Ordinances

##### Chapel Hill

Sec. 11-84. Prohibition on possession of weapons on town buses.

Sec. 11-111. Generally. (Nuclear weapons free zone).

Sec. 11-131. Prohibition on display of firearms by persons consuming or under the influence of alcohol or drugs.

Sec. 11-132. Prohibition on display of firearms at polling places.

Sec. 11-133. Prohibition on display of firearms at public assemblies.

Sec. 11-134. Prohibition on display of small handguns.

Sec. 11-135. Prohibition on possession of weapons of mass destruction.

Sec. 20-5. Prohibition on possession of weapons in taxis and limousines.

##### Orange County

Sec. 18-152. - Prohibition. (weapons possession)

## Carrboro

Sec 14-18. Weapons on Town Property.

## Durham

Sec. 46-21. Discharging weapons—Generally.

Sec. 46-22. Display and possession of dangerous weapons—Prohibited on certain city property.

Sec. 46-23. Display of firearms or other dangerous weapons at public place or public assembly prohibited.

Sec. 46-24. Public streets temporarily closed for street fairs and other special events.

Sec. 46-25. Prohibition on possession of weapons on public mass transportation vehicle.

Sec. 46-26. Prohibition on possession of firearms while under the influence of drugs or alcohol.

Sec. 46-27. Prohibition on possession of firearms at polling places.

## Chatham County

Sec. 130.01. Hunting/possessing a loaded firearm on county-owned property

Sec. 130.02. Weapons prohibited in county buildings housing any court of the general court of justice or any county law enforcement activity.

## Kannapolis City

Sec. 10-276. Weapons. [at parade]

Sec. 11-1. Discharging firearms, etc. prohibited; exceptions.

Sec. 11-1.1. Weapons prohibited on city property.

Sec. 12-27. Firearms; explosives; alcoholic beverages; drugs; dangerous substances.

## Morehead City

Sec. 10-7. Weapons; use, sale.

Sec. 11-9. Concealed handguns and other weapons.

Sec. 15-89. Prohibitions. [weapons at parade/public assembly]

## Smithfield

Sec. 11-11. - Weapons—Discharging firearms.

Sec. 11-12. - Same—Dangerous missiles.

Sec. 11-13. - Weapons prohibited on town property.

Sec. 12-99. - Firearms, explosives, knives, etc. [at parks]

Sec. 12-100. - Alcoholic beverages prohibited. [at parks]

### **Not countable State and Local Ordinances**

N.C.G.S. § 14-160.1. Trespasses to personal property

N.C.G.S. § 14-288.20. Certain weapons at civil disorders.

N.C.G.S. § 14-288.23. Making a false report concerning a nuclear, biological, or chemical weapon of mass destruction; punishment; restitution.

N.C.G.S. § 14-288.24. Perpetrating hoax by use of false nuclear, biological, or chemical weapon of mass destruction; punishment; restitution.