

Important: This guide is to serve as clarification for school personnel when coding law violations upon school property. These definitions are not legally binding and should only be used to assist school personnel in coding law violations at their school for Safe Schools data collection purposes. For any questions that arise regarding the legal definition of a student action, please consult with your School Board Attorney or local law enforcement representative.

Code Description

11 **Criminal Homicide-** A person is guilty of criminal homicide when he causes the death of another human being under circumstances which constitute murder, manslaughter in the first degree, manslaughter in the second degree, or reckless homicide.

20 **Forcible Rape/Forcible Sodomy-** A person is guilty of forcible rape when he: engages in sexual intercourse/deviate sexual intercourse with another person by forcible compulsion; or he engages in sexual intercourse/deviate sexual intercourse with another person who is incapable of consent because he: is physically helpless; or is less than twelve (12) years old. "Deviate sexual intercourse" means any act of sexual gratification involving the sex organs of one person and the mouth or anus of another; or penetration of the anus of one person by a foreign object manipulated by another person (other than generally recognized health-care practices). Sexual intercourse means sexual intercourse in its ordinary sense and includes penetration of the sex organs of one person by a foreign object manipulated by another person.

30 **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 and/or putting the victim in fear.

50 **Burglary-** A person is guilty of burglary when, with the intent to commit a crime, he knowingly enters or remains unlawfully in a building. A building, in addition to its ordinary meaning, means any structure, vehicle, watercraft or aircraft where any person lives or where people assemble for purposes of business, government, education, religion, entertainment or public transportation. Thus, breaking into a bus and stealing something from the bus would be counted as burglary.

60 **Larceny/Theft** – The intentional taking of the property of another.

70 **Motor Vehicle Theft-** The theft or attempted theft of a motor vehicle.

90 **Arson** – Any intentional burning or attempt to burn, with or without intent to defraud, a dwelling house, public building, motor vehicle, or aircraft.

100 **Forgery and Counterfeiting**–

Occurs when a person, with intent to defraud, deceive or injure another, falsely makes, completes or alters a written instrument (e.g., checks, transcripts, official identification, currency).

110 **Fraud** is obtaining money or property by false pretenses.

120 **Embezzlement** – Misappropriating or misapplication of money or property entrusted to one’s care, custody, or control, to include altering or forging financial records.

130 **Stolen Property (Receiving)** violations include buying, receiving, possessing of stolen property.

140 **Vandalism (Criminal Mischief)** – The intentional destruction, injury, disfigurement, or defacement of any public or private property without consent of the owner or person having custody or control (i.e., by cutting, tearing, breaking, marking, painting, drawing, or covering with filth)

151 **Weapon A - Handgun** – A handgun is any pistol or revolver originally designed to be fired by the use of a single hand, or any other firearm originally designed to be fired by the use of a single hand. A firearm is any weapon that will expel a projectile by the action of an explosive. This offense encompasses manufacture, sale, or possession of handguns on school property or at a school function. By Kentucky law (KRS 527.070), this excludes students 18 years of age and older who have these firearms in their automobile on school property.

152 **Weapon B - Rifle**- A rifle is a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned and made or remade to use the energy of the explosive in a fixed metallic cartridge to fire only a single projectile through a rifled bore for each single pull of the trigger. This category also includes **shotguns**. This offense encompasses sale or possession of rifles or shotguns on school property or at a school function. By Kentucky law, this excludes students 18 years of age and older who have these firearms in their automobile on school property.

153 **Weapon C - Other Firearms** – Weapons other than handguns, rifles, or shotguns that will expel a projectile by the action of an explosive. Examples of other firearms include air guns (that use pneumatic pressure or pressurized cartridges to fire a projectile) also known as BB guns; and other homemade firearms. By Kentucky law, this excludes students 18 years of age and over who have these firearms in their automobile on school property.

- 154 **Weapon D - Other**- any object capable of being readily used by one person to inflict severe bodily injury upon another person. Examples include (but are not limited to) knives, artificial knuckles, club, baton, nunchaku karate sticks. This offense encompasses manufacture, sale, or possession of these types of weapons on school property or at a school function. By Kentucky law, this excludes students 18 years of age and over who have these weapons in their automobile on school property.
- 160 **Prostitution/Vice** – a person is guilty of prostitution something of value when he or she engages or agrees or offers to engage in sexual conduct with another person in return for a fee. Also includes keeping a bawdy house, procuring, or transporting women for immoral purposes.

For the definitions included below, “...a word importing the masculine gender only may extend and be applied to females as well as males” (KRS 446.020). Thus, any reference to “he” in the descriptions below also includes females as well.

- 171 **Indecent Exposure**- A person is guilty of indecent exposure when he or she intentionally exposes his or her genitals under circumstances in which he or she knows or should know that his or her conduct is likely to cause affront or alarm to another person on school grounds or at a school function. This is not to be confused with violation 175.
- 172 **Statutory Rape** – A person is guilty of statutory rape (in KY, rape in the second degree) when:
- (a) Being eighteen (18) years old or more, he or she engages in sexual intercourse with another person less than fourteen (14) years old; or
 - (b) He engages in sexual intercourse with another person who is mentally incapacitated;
 - (c) Being twenty-one (21) years old or more he engages in sexual intercourse with another person less than sixteen (16) years old.
- 173 **Consensual Relations**- a person is guilty of this violation when they engage in a sexual relationship with another consenting person(s) on school grounds or at a school function. This category is only used when both parties are under the age of 18. If one party is above the age of 18 and one is below the age of 14, use Category 172.
- 174 **Sexual Assault (Abuse)** – a person is guilty of sexual assault when: (a) He subjects another person to sexual contact (touching intimate parts) by forcible compulsion; or (b) He subjects another person to sexual contact who is incapable of consent because he: is physically helpless; less than twelve (12) years old; or is mentally incapacitated.

- 175 **Other Sexual Offenses**- a person is guilty of other sexual offenses when they engage in some type of sexual activity not covered above on school grounds or at a school function. (e.g., sexual intercourse or deviate sexual intercourse not covered within other listed offenses)
- 190 **Gambling** – staking or risking something of value upon the outcome of a contest, game, gaming scheme, or gaming device which is based upon an element of chance, in accord with an agreement or understanding that someone will receive something of value in the event of a certain outcome, on school property or at a school-sponsored event. This does not include school-sanctioned activities of chance.
- 200 **Offenses Against Family**– All charges of non-support and neglect or abuse of family and children, such as desertion, abandonment, or non-support of spouse or child; neglect or abuse of spouse or child; and/or nonpayment of alimony.
- 210 **Driving under the influence**– Operating a motor vehicle with alcohol concentration of or above 0.08 for those above 21 and 0.02 for those under age 21, or while under the influence of alcohol or other substance which impairs driving ability.
- 220 **Liquor Law** – Any state and/or local liquor law except drunkenness and driving under the influence. Includes underage consumption. Possession and distribution of alcohol are covered under Codes 1811 and 1812.
- 230 **Drunkenness** – Includes all offenses of intoxication with the exception of driving under the influence. In Kentucky, this offense equates to alcohol intoxication and/or public intoxication, which occurs when a person appears in a public place manifestly under the influence of alcohol, a controlled substance, or other intoxicating substance.
- 240 **Disorderly Conduct** – Committing a breach of the peace. In Kentucky, a person is guilty of disorderly conduct when in a public place and with intent to cause public inconvenience, annoyance or alarm, or creating a risk thereof, he:
- (a) Engages in fighting or in violent, tumultuous or threatening behavior; or
 - (b) Makes unreasonable noise; or
 - (c) Refuses to obey an official order to disperse issued to maintain public safety in dangerous proximity to a fire, hazard or other emergency; or
 - (d) Creates a hazardous or physically offensive condition by any act that serves no legitimate purpose.
- 260 **All Other Offenses** – To include (but not limited to) blackmail and extortion; criminal anarchism; criminal syndicalism; and kidnapping.

280 **Curfew and Loitering-** (Loitering)

There is no curfew law in the state of Kentucky.

Loitering- A person is guilty of loitering when he:

- (a) Loiters or remains in a public place for the purpose of gambling with cards, dice or other gambling paraphernalia, or
- (b) Loiters or remains in a public place for the purpose of unlawfully using a controlled substance; or
- (c) Loiters or remains in or about a school, college or university building or grounds, not having any reason or relationship involving custody of or responsibility for a pupil or student or any other specific legitimate reason for being there and not having written permission from anyone authorized to grant the same

290 **Runaways** – A person can be taken into protective custody in Kentucky when they have been a habitual runaway from his parent or person exercising custodial control or supervision of the child. School personnel cannot take runaways into custody. This code should not be used.

301-304 1st, 2nd, 3rd, and 4th Degree Assault

According to the Kentucky Revised Statutes 508.010, 508.020, 508.030, and 508.040, assault can be classified in four different ways: Assault in the first degree, Assault in the second degree, Assault in the third degree, and Assault in the fourth degree. The level of the assault will depend upon the nature of the injury that was sustained and if a deadly weapon or dangerous instrument was used. **It should be noted that these are not precise legal definitions. Due to the ramifications of coding errors for assault offenses, please consult with your local law enforcement representative or your school board attorney regarding how to code assault incidents, particularly for 1st and 2nd degree assaults.** For each of the assault levels, the statutory definition is provided followed by classification criteria for school personnel.

301 Assault in the First Degree

Definition from KRS 508.010:

- (1) *A person is guilty of assault in the first degree when:*
 - (a) *He intentionally causes serious physical injury to another person by means of a deadly weapon or a dangerous instrument; or*
 - (b) *Under circumstances manifesting extreme indifference to the value of human life he wantonly engages in conduct which creates a grave risk of death to another and thereby causes serious physical injury to another person.*
- (2) *Assault in the first degree is a Class B Felony.*

For purposes of the school setting, an individual who intentionally uses a deadly weapon, dangerous instrument, or other means to cause **serious physical injury** to another is guilty of Assault in the first degree. This is the most serious assault; its code should be reserved for situations when the intent of the offender is to cause death or serious injury. To meet these criteria, the victim has to incur potential life threatening injury, serious disfigurement, or prolonged loss of the use of a body part from the incident.

302 Assault in the second degree.

Definition from KRS 508.020:

- (1) *A person is guilty of assault in the second degree when:*
 - (a) *He intentionally causes serious physical injury to another person; or*
 - (b) *He intentionally causes physical injury to another person by means of a deadly weapon or a dangerous instrument; or*
 - (c) *He wantonly causes serious physical injury to another person by means of a deadly weapon or a dangerous instrument.*
- (2) *Assault in the second degree is a Class C felony.*

For purposes of the school setting, an individual who intentionally causes physical injury to another person with a deadly weapon or dangerous instrument or intentionally causes serious injury to another person will be coded as Assault in the 2nd degree.

303 **Assault in the third degree.**

Definition from KRS 508.025:

- (1) *A person is guilty of assault in the third degree when the actor:*
- (a) *Recklessly, with a deadly weapon or dangerous instrument, or intentionally causes or attempts to cause physical injury to:*
1. *A state, county, city, or federal peace officer*
 2. *An employee of a detention facility, or state residential treatment facility or state staff secure facility for residential treatment which provides for the care, treatment, or detention of a juvenile charged with or adjudicated delinquent because of a public offense or as a youthful offender;*
 3. *An employee of the Department for Community Based Services employed as a social worker to provide direct client services, if the event occurs while the worker is performing job-related duties;*
 4. *A probation and parole officer;*
 5. *A transportation officer appointed by a county fiscal court or legislative body of a consolidated local government, urban-county government, or charter government to transport inmates when the county jail or county correctional facility is closed while the transportation officer is performing job-related duties;*
 6. *A public or private elementary or secondary school or school district classified or certified employee, school bus driver, or other school employee acting in the course and scope of the employee's employment;*
or
 7. *A public or private elementary or secondary school or school district volunteer acting in the course and scope of that person's volunteer service for the school or school district; or*
- (b) *Being a person confined in a detention facility, or state residential treatment facility or state staff secure facility for residential treatment which provides for the care, treatment, or detention of a juvenile charged with or adjudicated delinquent because of a public offense or as a youthful offender, inflicts physical injury upon or throws or causes feces, or urine, or other bodily fluid to be thrown upon an employee of the facility.*
- (2) *Assault in the third degree is a Class D Felony.*

For purposes of the school setting, an individual who intentionally **causes physical injury** to a school employee, volunteer, or other persons working on the behalf of the school, is guilty of Assault in the third degree.

304 **Assault in the fourth degree.**

Definition from KRS 508.30:

- (1) *A person is guilty of assault in the fourth degree when:*
 - (a) *He intentionally or wantonly causes physical injury to another person; or*
 - (b) *With recklessness he causes physical injury to another person by means of a deadly weapon or dangerous instrument.*
- (2) *Assault in the fourth degree is a Class A misdemeanor.*

For purposes of the school setting, an individual who intentionally **causes physical injury** to another person without use of a weapon is guilty of Assault in the fourth degree.

**310, 320, and 330 Terroristic threatening, Bomb Threat, and
Chemical/Biological/Nuclear Threats**

(1) A person is guilty of one of these offenses when he or she: (a) Intentionally makes false statements that he or she or another person has placed a weapon of mass destruction on:

1. The real property or any building of any public or private elementary or secondary school, vocational school, or institution of postsecondary education;
2. A school bus or other vehicle owned, operated, or leased by a school;
3. The real property or any building public or private that is the site of an official school-sanctioned function; or
4. The real property or any building owned or leased by a government agency; or

(2) Intentionally and without lawful authority, places a counterfeit weapon of mass destruction at any location or on any object specified in paragraph (a) of this subsection.

(3) Intentionally:

(a) With respect to a school function, threatens to commit any act likely to result in death or serious physical injury to any student group, teacher, volunteer worker, or employee of a public or private elementary or secondary school, vocational school, or institution of postsecondary education, or to any other person reasonably expected to lawfully be on school property or at a school-sanctioned activity, if the threat is related to their employment by a school, or work or attendance at school, or a school function. A threat directed at a person or persons or at a school does not need to identify a specific person or persons or school in order for a violation of this section to occur;

(b) Makes false statements that he or she has placed a weapon of mass destruction at any location other than one specified in KRS 508.075; or

(c) Without lawful authority places a counterfeit weapon of mass destruction at any location other than one specified in KRS 508.075.

(d) He threatens to commit any crime likely to result in death or serious physical injury to another person or likely to result in substantial property damage to another person; or

- (d) He intentionally makes false statements for the purpose of causing evacuation of a building, place of assembly, or facility of public transportation.

Note: Activating fire alarms would be included in category 310 for reporting purposes.

Note: Bomb threats or threats of other explosive devices will be reported under category 320.

Note: Chemical, biological, or nuclear threats will be reported under category 330.

Drug Possession Violations: Include possession of each of the following drugs on school property or at a school-sponsored function.

- 1801 **Other Drug Possessions** – Includes possession of controlled substances or unauthorized possession of over-the-counter drugs not specifically listed elsewhere.
- 1811 **Alcohol Possession**- possession of a liquor, brew, or mixture containing alcohol. Examples include beer, whiskey, and wine.
- 1821 **Marijuana Possession**- possession of marijuana.
- 1831 **Hallucinogenics Possession** – possession of a psychoactive drug that induces hallucinations or altered sensory experiences (e.g., LSD, PCP).
- 1841 **Amphetamines Possession** – possession of amphetamine or methamphetamine.
- 1851 **Barbiturates Possession** – possession of barbiturates. Barbiturates are organic compounds that produce sedative and hypnotic effects (e.g., Nembutal, Luminal, Seconal, Pentothal).
- 1861 **Heroin Possession**- possession of heroin.
- 1871 **Cocaine/Crack Possession** – possession of cocaine/crack possession.
- 1881 **Prescription Possession** – unauthorized possession of medications that are available only with prescriptions from a doctor or dentist to a pharmacist.

Drug Distribution Violations:

These violations include delivering, selling, or transferring (giving away) each of the following drugs to another person or persons on school property or at a school-sponsored function. I

- 1802 **Other Drug Distribution** – Distribution of a controlled substance not covered in the offenses below.
- 1812 **Alcohol Distribution**
- 1822 **Marijuana Distribution**
- 1832 **Hallucinogenics Distribution**
- 1842 **Amphetamines Distribution**
- 1852 **Barbiturates Distribution**
- 1862 **Heroin Distribution**
- 1872 **Cocaine/Crack Distribution**
- 1882 **Prescription Distribution**- unauthorized distribution of medications that are available only with prescriptions from a doctor or dentist to a pharmacist.