



Study Guide: Elements of Key Crimes

This guide outlines the elements required to establish each of the specified crimes. Knowing these elements will help you understand when these offenses occur and what evidence is needed to prove each one.

1. Resist, Delay, or Obstruct an Officer (Class 2 Misdemeanor)

Elements:

1. **Willful and unlawful act** – The act must be done deliberately and without legal justification.
2. **Obstructing, delaying, or resisting** – The person must resist, delay, or obstruct a public officer in performing an official duty.
3. **Public officer** – The individual being obstructed must be a law enforcement or public officer.
4. **Discharge of official duty** – The officer must be performing or attempting to perform their lawful duties (e.g., arrest, search, or investigation).

Examples:

- Running from an officer during a lawful stop.
 - Giving a fake name to an officer during questioning.
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2. Larceny (Class 1 Misdemeanor or Felony)

Elements:

1. **Taking** – The defendant must have taken personal property.
2. **Carrying away** – The defendant must carry away the property.
3. **Property of another** – The property must belong to someone else.
4. **Without consent** – The property owner must not have given consent for the taking.
5. **Intent to permanently deprive** – The intent must be to permanently take away the property from the rightful owner.

Felony Larceny:

- Property value is over \$1,000.
- Larceny from the person (e.g., pickpocketing).
- Larceny of a firearm.

3. Trespass

First-Degree Trespass (Class 2 Misdemeanor):

1. **Entering or remaining** – The defendant enters or remains on the premises of another.
2. **Without authorization** – The entry or presence is without permission.
3. **Enclosed or secured premises** – The premises are enclosed or secured to show intent to keep out intruders, or the person enters a building.

Second-Degree Trespass (Class 3 Misdemeanor):

1. **Entering or remaining** – The defendant enters or remains on the premises of another.
 2. **Without authorization** – The entry or presence is without permission.
 3. **Posted notice or direct communication** – The property must have signs indicating that entry is forbidden, or the owner must have told the person to leave.
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4. Simple Assault (Class 2 Misdemeanor)

Elements:

1. **Overt act or attempt** – The defendant must perform an act intended to cause immediate physical injury, or an attempt to inflict harm.
2. **Intentional show of force** – There must be an act showing violence or force capable of causing injury.
3. **No consent** – The victim did not consent to the act.
4. **Causes fear of imminent harm** – The victim reasonably believed that they were about to be harmed.

Note: A simple assault can involve battery, where actual physical contact is made, or an act that causes fear of imminent harm without actual contact.

5. Affray (Public Fight)

Simple Affray (Class 2 Misdemeanor):

1. **A fight** – Two or more persons engage in a physical altercation.
2. **In a public place** – The fight occurs in a place open to the public.
3. **Causes terror** – The fight must cause fear or terror to those witnessing it.

Aggravated Affray (Class A1 Misdemeanor):

1. **A fight** – Two or more persons engage in a physical altercation.
2. **In a public place** – The fight occurs in a place open to the public.
3. **Causes terror** – The fight causes fear or terror to bystanders.

4. **Aggravating factors** – One of the following must be present:
 - Use of a deadly weapon.
 - Inflicting serious injury.
 - Assaulting a female, child, or law enforcement officer.
 - Assaulting a public transit worker or school employee.
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6. Carrying a Concealed Pistol or Gun (Class 2 Misdemeanor for First Offense, Class H Felony for Subsequent Offenses)

Elements:

1. **Willful and intentional act** – The act of carrying the pistol or gun must be deliberate.
2. **Concealed** – The weapon must be hidden from ordinary view.
3. **No permit** – The person must not have a valid concealed handgun permit.

Exceptions:

- The person is on their own premises.
 - The person holds a valid concealed handgun permit.
 - The weapon is carried in a lawful manner (e.g., in a locked container in a vehicle).
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7. Carrying a Concealed Weapon Other Than a Pistol or Gun (Class 2 Misdemeanor)

Elements:

1. **Willful and intentional act** – The act of carrying the weapon must be deliberate.
2. **Concealed** – The weapon must be hidden from ordinary view.
3. **Deadly weapon** – The weapon must be one that can cause death or serious injury (e.g., bowie knife, dirk, dagger, metallic knuckles, stun gun, etc.).

Exceptions:

- The person is on their own premises.
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8. Communicating Threats (Class 1 Misdemeanor)

Elements:

1. **Willful threat** – The person must make a clear, intentional threat to:
 - Physically harm another person.
 - Damage another person's property.
2. **Communicated to another person** – The threat must be communicated directly to the person or through another party.

3. **Reasonable fear** – The threat must be made in such a way that a reasonable person would believe it is likely to be carried out.
 4. **Belief by the victim** – The victim must believe that the threat will be carried out.
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Key Takeaways

- For all these crimes, the intent behind the action (or lack of intent in strict liability cases) is crucial.
- Criminal offenses require that **all elements** be satisfied for the crime to be complete. Missing one element may mean no crime has occurred or may reduce the severity of the charge.
- Knowing the **distinction** between first- and second-degree offenses (like trespass) or the severity levels (misdemeanor vs. felony) is essential for charging decisions.

Use this guide to familiarize yourself with the **elements of these common crimes**. Knowing these will allow you to correctly identify offenses and take appropriate action during your duties as a law enforcement officer.