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# **Introduction**

The crimes of theft and robbery can easily be confused because both involve taking someone else's money or property. However, while theft and robbery share some characteristics, the offenses are quite different.

Theft is a crime against property, whereas robbery is a crime against a person. Robbery encompasses a theft (or attempted theft) plus force or intimidation. It is the use or theft of force that makes robbery, in most cases, the more serious crime.

# **What Is Theft?**

Theft called **larceny** in some states is a broad term that can cover a wide variety of criminal offenses. For example, shoplifting and stealing a motorcycle are both forms of theft.

## **Defining Theft or Larceny**

The typical elements of theft or larceny are a person:

* taking someone's money or personal property without permission
* carrying the property away, and
* intending to keep the property permanently.

## **Penalties for Theft or Larceny**

In many states, theft or larceny can be either a felony or a misdemeanour, depending on the type of stolen property or its value. Misdemeanour thefts might be referred to as petty or petit theft and involve stolen property valued under $1,000 or $2,000. A person convicted of petty theft might face up to a year in jail or spend time on probation. Felony thefts—also called grand theft—involve any amount over the misdemeanour threshold. Grand theft can involve a wide range of sentences from a couple of years to a decade or more in prison. States vary considerably when it comes to theft penalties.

# **What Is Robbery?**

Robbery refers to stealing or attempting to steal something from a victim by force or intimidation.

## **Definition of Robbery**

The typical elements of robbery are someone taking money or property:

* with the intent to keep the property permanently
* without the property owner's consent
* using force or intimidation
* from or in the presence of the victim.

A robbery could involve a bank holdup, carjacking, or even a purse snatching.

## **Penalties for Robbery**

In most cases, robbery is a felony, and a conviction can result in significant prison time, especially if a weapon was involved (armed robbery). A person convicted of robbery could easily face a 10- to 30-year prison sentence. Generally, sentencing laws also consider robbery a crime of violence. In some states, a crime of violence conviction impacts probation or parole eligibility, enhances charges for future crimes, or carries mandatory sentences.

# **The Crime of Burglary**

States also define burglary slightly differently. But the offense usually has the following elements:

illegally entering

a building (usually a home or business)

with the intent to steal something or commit a felony while inside.

# **OLD-TIMEY BURGLARY LAWS**

In the past, most states defined burglary as forcibly breaking into another person's home at night. Today, though, burglary statutes are generally much broader. Normally, someone can commit burglary by simply entering any type of building without permission at any time of day while intending to commit a crime once inside.

## **Penalties for Burglary**

As with robbery, in most cases burglary is a felony. State laws tend to divide burglary into different levels of seriousness, depending on such factors as:

the type of crime the burglar intended to commit inside the building

whether the burglar was armed with a weapon

the type of building involved, and

whether the building was occupied at the time.

In Hawaii, for example, a burglar who is armed with a weapon, harms someone during the crime, or enters a residence (as opposed to an office, for example) can be sentenced to as many as ten years in prison and fined up to 25,000.

# **Theft, Force, and Fear**

As you can see above, robbery and burglary have distinct elements. For instance, one crime doesn't have to involve a building, while the other does. Below are a couple other key differences.

## **Theft**

Although burglary often involves theft, a person doesn't have to steal anything to be convicted of the crime. Robbery, on the other hand, almost always involves theft—the defendant takes or tries to take something from the victim.

Under many burglary laws, the intended crime must be a felony or some form of theft, but some states say that a person who enters a building without permission and intends to commit any crime inside is guilty of burglary. For instance, illegally entering a building with the intent to commit an assault can be the basis for a burglary conviction.

## **Force or Fear**

Burglary and robbery also differ when it comes to the use of force. Force, whether against a person or to get into a building, generally isn't required for a burglary conviction. Robbery, though, necessarily involves the use of force—or at least intimidation—against another person.

To be convicted of robbery, someone must use violence or the threat of violence to take something of value directly from another. For example, suppose a man armed with a knife demands money from a gas station attendant and then runs away with the cash. The man has just committed robbery because he used the threat of force to steal money directly from the victim.

# **What Are the Differences Between Theft and Robbery?**

Robbery and theft differ in several respects, but the key difference that makes robbery the more serious offense is the potential for physical harm to a victim.

**Person vs. property offense.**As noted above, theft is a crime against property, whereas robbery is a crime against a person. This factor alone makes robbery more serious than theft.

**Violent vs. nonviolent offense.**Both theft and robbery involve taking or attempting to take money or property without permission. But theft doesn't involve violence, whereas the crime of robbery requires force or the threat of force.

**Victim presence.**Robbery, unlike theft, entails taking property directly from or in the presence of a person, which places the victim in the path of direct harm.

# **References**

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