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Robbery Overview

United States law regarding robbery has its roots in the common law that we inherited from the English legal system. While most states have codified their robbery laws in their penal codes, in the absence of such a statute the common law definition would still apply.

State penal codes define robbery in different ways, but the definitions contain the same basic elements. Robbery consists of:

- The taking, with the intent to steal, of
- The personal property of another
- From his or her person or in their presence
- Against his or her will
- By violence, intimidation or the threat of force.

Essentially, robbery is theft accomplished by violence or the threat of violence. Since this element of force sits at the core of robbery, a vital question in a robbery prosecution concerns the timing of the violence. If, for example, the violence only occurs as the robber attempts to escape from the discovered scene of a theft, the charges brought might include larceny and resisting arrest, but not robbery.

The use or threat of force can also be slight, and the amount required to turn a theft into a robbery depends on the parties involved and the situation. If a small amount of violence or intimidation is enough to force the victim to turn over their property based on the natures of the victim and the assailant (if, say, the assailant is large and powerful and the victim is slight and elderly), then a robbery has occurred.

While the thief doesn't have to use very much force in order to commit a robbery, a certain amount is still required. Purse snatchings, for instance, require some resistance by the victim before the theft rises to the level of a robbery. If the robber can remove the purse without any force in excess of what is required to simply take the purse off the victim's person, then a jury may determine that no robbery has taken place.

States commonly separate robbery into different degrees based on the severity of the crime. Normal robbery is usually a second degree felony in most states, but can become a first degree felony if the robber uses a dangerous weapon or attempts to kill anyone or inflicts or attempts to inflict serious bodily injury. Some states designate this latter type of robbery as aggravated robbery.

Robbery is a state crime for the most part, but certain types of robberies fall under federal jurisdiction. The first kind of federal robbery is a bank robbery. Any robbery or attempted robbery of a bank, credit union or savings and loan institution constitutes a federal crime.

The federal government also has jurisdiction over robberies that affect articles in the stream of interstate commerce. The most common example of this is the hijacking of a truck full of goods being shipped from one state to another.

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