



April 2018

Common Statute Table

FILES DESCRIPTIONS

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1. Common Statute Table

The Common Statute Table (CST) is a list of offenses from North Dakota Century Code and provides a common charging reference for criminal justice agencies. The CST is updated in July of every odd numbered year to reflect legislative changes. Between legislative sessions, the CST is updated once per month, as needed. When the CST is updated, a current, full version of the CST is published as well as a file outlining just the changes from the last release. The full release and monthly updates are posted for the current biennium.

The most current Common Statute Table Release and Difference files can be found on the Attorney General external website: <https://attorneygeneral.nd.gov/criminal-justice-resources/common-statute-table>. These files are used by the courts, some law enforcement agencies, and the Department of Transportation (DOT).

Files customized for federal reporting requirements are produced monthly for law enforcement records management systems and jail management systems (including the state provided P1 LERMS system). Additionally, custom files are created for the STARS/JustWare system for state's attorneys' use and for the DOT's TraCS system, which is used by law enforcement for citations, warnings, report & notice, and crash reporting.

This document focuses on the Common Statute Table releases and difference files. The other files have very similar fields.

2. Definitions

CST - The Common Statute Table full release spreadsheet

Offense - Each row in the CST will be referred to as an Offense.

3. CST Release File Description

3.1. Purpose

The purpose of the release file is to provide criminal justice agencies a complete and detailed list of all common offenses, Department of Transportation offenses, jail offenses, state's attorney offenses, and law enforcement charges.

Authority	Common Statute Number	Id	Source	Base Statute	Inchoate	Additional Statute
Common	C01046	101046	19	19-03.1-23(1)(a)	CONSPIRACY	19-03.1-23.1(1)(a), 19-03.1-07(5)
Common	C01047	101047	19	19-03.1-23(1)(a)	CONSPIRACY	19-03.1-23.1(1)(a), 19-03.1-07(3)
Common	C01048	101048	19	19-03.1-23(1)(a)	CONSPIRACY	19-03.1-23.1(1)(a), 19-03.1-07(5)
Common	C01129	101129	19	19-03.1-23(1)(a)	CONSPIRACY	19-03.1-23.1(1)(c)(7), 19-03.1-07(5)
Common	C01624	101624	19	19-03.1-23(1)(b)	CONSPIRACY	19-03.1-05(5)
Common	C01625	101625	19	19-03.1-23(1)(b)	CONSPIRACY	19-03.1-05(5)
Common	C01626	101626	19	19-03.1-23(1)(b)	CONSPIRACY	19-03.1-05(5)
Common	C01627	101627	19	19-03.1-23(1)(b)	CONSPIRACY	19-03.1-05(6)
Common	C01628	101628	19	19-03.1-23(1)(b)	CONSPIRACY	19-03.1-05(5)
Common	C01629	101629	19	19-03.1-23(1)(b)	CONSPIRACY	19-03.1-05(7)
Common	C01630	101630	19	19-03.1-23(1)(b)	CONSPIRACY	19-03.1-07(6)

Figure 1

3.2. Authority

The Authority indicates from where the Offense is derived. (Figure 1, Column 1) Authority values include:

- **Common:** Specifies the Offense comes from state statute. These Offenses are common across state's attorneys, the courts, and often other criminal justice agencies (unless they have adopted more general offenses like the law enforcement offenses).
- **DOT:** Specifies the Offense comes from the Department of Transportation. These Offenses required by DOT and used by a subset of criminal justice agencies. DOT Offenses are not necessarily chargeable offenses.
- **LE:** Specifies that the Offense was created for law enforcement use **only** in their records and jail management systems.
- **Incarcerated:** Specifies that the Offense was created for jail/corrections offenses.
- **SA:** Specifies that the Offense was created for state's attorney offenses.

The CST started with only Offenses derived from Common authority. These are criminal offenses described by statute from a criminal justice perspective.

DOT authority does not necessarily follow the same pattern, but comes from a traffic perspective with reference to statute, administrative rule, and federal regulation. The CST was expanded to allow a DOT authority to cover these Offenses.

The LE authority was added in early 2018 as a means of combining Offenses with the same Base Statute, and NCIC and IBR numbers. These Offenses were deemed by local law enforcement to be needed as Offense options, but did not require specific factors to be designated. These specific Offenses are only used in law enforcement records management systems and jail management systems. Offenses with the authority of Incarcerated and SA were added shortly thereafter to represent the needs of jails and state's attorneys, specifically.

3.3. Common Statute Number

The Common Statute Number is the combination of the Authority letter representation and the last five digits of the ID. (Figure 1, Column 2)

- The letter representation for Common Offenses is "C."
- The letter representation for DOT Offenses is "D."
- The letter representation for Law Enforcement Offenses is "L."
- The letter representation for Incarcerated Offenses is "I."
- The letter representation for SA Offenses is "J."

3.4. ID

The ID is a semi-unique number assigned to an Offense in the Release and Difference files that cannot be duplicated within the Release and Difference files. It is commonly referred to as the CST ID. (Figure 1, Column 3) It is important to note, however, that this is not the unique key to the CST, because this number is repeated for law enforcement system and jail management system purposes when the Offense is expanded into several Offenses, one for each of the unique federal reporting requirement combinations (which will be explained further in the FBI

column). The unique combination of fields is Dropdown Description, Effective Date, and Expiration Date.

3.5. Source

The source refers to the Title number of the North Dakota Century Code that the statute is referenced. (Figure 1, Column 4) There are four Title sources:

- 12.1: Criminal Code
- 19: Foods, Drugs, Oil and Compounds
- 39: Motor Vehicles
- Other: All other titles in the NDCC

3.6. Base Statute

If the Offense is in reference to a North Dakota Century Code Statute, the Base Statute refers to a single statute most directly associated with that offense. (Figure 1, Column 5)

3.7. Inchoate

Inchoate is an action in furtherance of a criminal act. This column references the type of inchoate factor for that offense. (Figure 1, Column 6)

- Accomplice – accomplice to a crime
- Attempt – attempt to commit the crime
- Conspiracy – conspiracy to commit the crime
- Facilitation – facilitation of a crime

3.8. Additional Statute

The Additional Statute refers to statutes, in addition to the Base Statute, that pertain to the Offense. (Figure 1, Column 7) The Additional Statute field is most commonly used by state’s attorneys.

Dropdown Description
Conspiracy to commit preventing arrest-Felony
Preventing arrest-Felony
Preventing arrest-Misdemeanor
Hindering law enforcement-Harboring
Hindering law enforcement-Harboring-Felony conduct
Hindering law enforcement-Harboring-Felony charge
Hindering law enforcement-Providing means to avoid discovery or apprehension
Hindering law enforcement-Providing means to avoid discovery or apprehension-Felony conduct
Hindering law enforcement-Providing means to avoid discovery or apprehension-Felony charge

Figure 2

3.9. Dropdown Description

The Dropdown Description describes the factors of each offense so that criminal justice users can choose the most applicable Offense. (Figure 2)

Rap Sheet Description
Conspiracy to commit preventing arrest
Preventing arrest-Felony
Preventing arrest-Misdemeanor
Hindering law enforcement-Harboring
Hindering law enforcement-Harboring-Felony conduct
Hindering law enforcement-Harboring-Felony charge
Hindering law enforcement-Providing means to avoid discovery or apprehension
Hindering law enforcement-Providing means to avoid discovery or apprehension- Felony conduct
Hindering law enforcement-Providing means to avoid discovery or apprehension-Felony charge

Figure 3

3.10. Rap Sheet Description

The Rap Sheet Description is displayed for prosecution and disposition charges in the criminal history system and on rap sheets that detail a person’s criminal history. (Figure 3)

Charging Description
Conspiracy to commit preventing arrest
Preventing arrest
Preventing arrest
Hindering law enforcement
Hindering law enforcement
Hindering law enforcement
Hindering law enforcement
Hindering law enforcement
Hindering law enforcement

Figure 4

3.11. Charging Description

The Charging Description is what is listed on Court documents by state’s attorneys and read to a jury. It is also used to describe arrest charges on the rapsheet and in the criminal history system. (Figure 4)

By Then And There Description
The defendant agreed with one or more persons to engage in or cause conduct which, in fact, constituted the offense of F
The defendant, with intent to prevent a public servant from effecting an arrest of himself or another for a Class A, B or C I
The defendant, with the intent to prevent a public servant from effecting an arrest of himself or another for a misdemea
The defendant intentionally interfered with, hindered, delayed, or prevented the discovery, apprehension, prosecution, c
The defendant intentionally interfered with, hindered, delayed, or prevented the discovery, apprehension, prosecution, c
The defendant intentionally interfered with, hindered, delayed, or prevented the discovery, apprehension, prosecution, c
The defendant intentionally interfered with, hindered, delayed, or prevented the discovery, apprehension, prosecution, c
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Figure 5

3.12. By Then and There Description

The By Then and There description is used by state’s attorneys as a full and complete description of the crime. This description of an offense is populated into forms prepared for Court. (Figure 5)

Offense Class	Fingerprints Required (F)	Registration Required (R)	FBI
FA	F	R	1199:11D:
FAA	F	R	1199:11D:
FAA	F	R	1199:11A:Rape1199:11B:Sodomy119:
FA	F	R	1199:11A:Rape3601:11B:Sodomy361:
FB	F	R	1199:11A:Rape1199:11B:Sodomy119:
FB	F	R	1199:11A:Rape1199:11B:Sodomy119:
MA	F	R	3699:36B:
MA	F	R	3699:90Z:
FC	F	R	3699:36B:

Figure 6

3.13. Offense Class

The Offense Class is the severity of the offense. (Figure 6, Column 1) Offense Classes used in the Common Statute Table include:

- FAA – AA Felony
- FA – A Felony
- FB – B Felony
- FC – C Felony
- IN – Infraction
- MA – A Misdemeanor
- MB – B Misdemeanor
- MV – Moving violation
- NA – No level
- NC – Non-criminal
- NC1 – Class 1 Non-criminal
- NC2 – Class 2 Non-criminal
- NMV – Non-moving violation

3.14. Fingerprints Required (F)

If an “F” is present in the Fingerprints Required column, law enforcement is required by N.D.C.C. 12-60-10 to capture fingerprints at the time of the arrest. (Figure 6, Column 2)

3.15. Registration Required (R)

If an “R” is present in the Registration Requires column, the offense is a registerable offense under N.D.C.C. 12.1-32-15. Following the proper Offender Registration protocols is mandatory. (Figure 6, Column 3)

3.16. FBI

The FBI column contains all combinations of the NCIC offense number and IBR number for applicable to the Offense. (Figure 6, Column 4) If there is more than one combination applicable, a description is included for each combination. This description is appended to the dropdown description for each combination when the Offense is expanded to multiple Offenses by each combination for use in records management systems that require reporting by NCIC and IBR code.

DOT	Minimum Mandatory
220	39-08-20(4):Court must order number plates of vehicle owned and operated at the time c
220	39-08-20(4):Court must order number plates of vehicle owned and operated at the time c
220	39-06.1-06, 39-08-20(4):Court must order number plates of vehicle owned and operated a
220	39-06.1-06, 39-08-20(4):Court must order number plates of vehicle owned and operated a
219	

Figure 7

3.17. DOT

This code is used exclusively by the Department of Transportation and is associated with the specific Offense on which it is listed. (Figure 7, Column 1)

3.18. Minimum Mandatory

The Minimum Mandatory column will give the specific statute and description of the minimum mandatory sentence and statutory reference associated with that offense. This information includes required treatment, parole and prison lengths. (Figure 7, Column 2)

Fixed Fine	Effective Date	Expiration Date
20		7/31/2017
20		7/31/2017
20	8/1/2017	
20	8/1/2017	
20		

Figure 8

3.19. Fixed Fine

The Fixed Fine column will display offense required fines that are defined by state statute, if those fines are of a fixed value. (Figure 8, Column 1) Variable fines are not reflected in the Common Statute Table.

3.20. Effective Date

Effective Date is the first allowable date in which the Offense became legally enforced. Unless otherwise specified, the Effective Date is assumed to be 08/01/2013. (Figure 8, Column 2)

3.21. Expiration Date

Expiration Date is the last date on which the Offense was effective. If not specified, the Offense is active. (Figure 8, Column 3)

4. CST Difference File Description

4.1. Purpose

The purpose of the difference file is to provide criminal justice agencies a reference to all changes made between versions of the CST by highlighting added, changed, and removed offenses.

4.2. Colors

When an Offense is added, changed, or removed, it is indicated with a color.

- Yellow indicates an Offense that has been updated.
- Blue indicates an Offense that has been added.
- If an Offense has been expired, the Expiration Date will be marked in yellow and populated with the last date on which the offense was effective.

5. Additional Information

North Dakota criminal justice agencies interested in training can contact ND CJIS or email ndag@nd.gov.