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Robbery

Verified 16 février 2021 - Directorate of Legal and Administrative Information (Prime Minister), Ministry of Justice

Theft is the appropriation of a property or thing belonging to a person against his will. There are several forms of theft, all of which are punishable by law. The victim may lodge a complaint to have the author prosecuted by the courts. The penalties are increased in cases break-inviolence or use of a weapon. Additional penalties may be added to the main penalties.

What's that about?

Definition

Theft occurs when a person fraudulently appropriates property or something that does not belong to him. The perpetrator is aware of the act committed. He acts for the purpose of taking things away from others.

For a flight to occur, all of the following conditions must be met:

- The thief must not be your spouse or partner of Pacs (unless separated)
- The thief must not be your father, mother or child
- You must be the real owner of the property
- You must not have abandoned the property (in a dump, on the street...)

Flight between spouses or between children and mothers and fathers is recognised when the object of the flight is an essential document in everyday life: identity card (<https://www.service-public.fr/particuliers/vosdroits/N358?lang=en>), means of payment (<https://www.service-public.fr/particuliers/vosdroits/N91?lang=en>), etc.

If the theft is committed by the person in charge of a protection measure (guardianship, curatorship,...) (<https://www.service-public.fr/particuliers/vosdroits/N155?lang=en>), he may be prosecuted. The tutor who commits theft from the person he is to protect (stealing an object...).

Different types of flights

There are different types of flights: shoplifting, pickpocketing, car theft...

 **FYI** : theft occurs regardless of the value of the stolen object.

Burglary is a break-in. Entering a place by force is an aggravating circumstance of flight.

We talk about *false quality theft* when the thief claims to be a police officer, agent EDF... to enter a person's home to steal objects or money.

The diversion of energy (e.g. the manipulation of the neighbour's electrical system) is considered theft.

 **Please note** : an attempt to steal is not a theft but is punished as a theft, even if the goal is not achieved.

However, in a number of cases, there is no theft.

The diversion of money or property **voluntarily** for a specific purpose, is not considered a theft. breach of trust (<https://www.service-public.fr/particuliers/vosdroits/F1515?lang=en>). For example, if an accountant diverts a portion of the funds that his business has asked him to manage to his profit.

Using fraudulent manoeuvres to make a person **voluntary refund** money or any other property is not a theft. scam (<https://www.service-public.fr/particuliers/vosdroits/F1520?lang=en>). For example, if a person pretends to be a banker and takes money from his victims by pretending to make investments.

Pretending to be willing to pay for a good or service in order to dispose of it without spending anything in the end is a **trickery** (<https://www.service-public.fr/particuliers/vosdroits/F1521?lang=en>).

Victim's Recourse

Complaint

You have to file a complaint to ask the court to sentence the person who committed the theft to a prison sentence and to pay a fine in a criminal trial.

If the author is unknown, you can file a complaint against X.

You must file a complaint within 6 years. Otherwise, your complaint will not be considered by the courts.

On site

You must go to a police station or the police force of your choice.

Who shall I contact

- [Police](http://www.interieur.gouv.fr/Contact/Contacter-une-brigade-de-gendarmerie-ou-un-commissariat-de-police)  (<http://www.interieur.gouv.fr/Contact/Contacter-une-brigade-de-gendarmerie-ou-un-commissariat-de-police>)

The police or gendarmerie are obliged to register the complaint.

The complaint is then transmitted to the public prosecutor to decide on the follow-up (investigation, classification without further action...).

If you don't know the author of the facts, you can complete a pre-complaint online before you move.

You will then get an appointment and the police or gendarmes will already have the elements of your complaint when you arrive.

Online Pre-Complaint

Ministry of the Interior

Go to
online service 
(<https://www.pre-plainte-en-ligne.gouv.fr/>)

By mail

You can file a complaint directly with the public prosecutor. We need to send **free paper letter** (<https://www.service-public.fr/particuliers/vosdroits/R11469?lang=en>) the court of the place of the offence or the place of domicile of the offender.

The letter shall specify:

- Civil status and full contact information (address and telephone number) of the complainant
- Detailed account of the facts, date and place of the offence
- Supposed author's name if you know him (otherwise, the complaint will be filed against X)
- Names and addresses of potential witnesses to the offence
- Description and provisional or final estimate of the injury
- Evidence: medical certificates, work stoppages, various invoices, findings
- Willingness to become a civil party

File a complaint with the public prosecutor

Directorate of Legal and Administrative Information (Dila) - Prime Minister

Go to
document template 
(https://www.service-public.fr/simulateur/calcul/Porter_plainte)

Who shall I contact

- [Court or Proximity Court](https://www.justice.fr/recherche/annuaires)  (<https://www.justice.fr/recherche/annuaires>)

You can send your complaint by registered letter or by simple letter. You can also file your complaint directly at the court reception. In all cases, you will receive a receipt as soon as the public prosecutor's office has registered your complaint.

▲ Warning : in case of a home break-in, you should not touch anything until the police or the gendarmerie arrive.

You can be assisted by a lawyer if you wish.

Who shall I contact

- [Lawyer](https://www.cnb.avocat.fr/annuaire-des-avocats-de-france)  (<https://www.cnb.avocat.fr/annuaire-des-avocats-de-france>)

 **Please note** : if you have low resources, you can apply for [legal aid \(https://www.service-public.fr/particuliers/vosdroits/F18074?lang=en\)](https://www.service-public.fr/particuliers/vosdroits/F18074?lang=en) to pay the full or partial expenses of a lawyer.

Compensation for injury

You can request [damages \(https://www.service-public.fr/particuliers/vosdroits/F1422?lang=en\)](https://www.service-public.fr/particuliers/vosdroits/F1422?lang=en) for compensation for the damage caused by the theft by constituting you civil following the lodging of a complaint. You can request a copy of a report of complaint. This coin can be claimed by your insurance.

The damage to be repaired concerns both the object of the theft (if it cannot be returned) and the related damage (fractured door, moral damage...).

Most of the time, the criminal conviction and the claim are processed at the same time.

Other steps

If the theft involves means of payment, you must block them at your bank:

- [Blocking Credit Card \(https://www.service-public.fr/particuliers/vosdroits/F2428?lang=en\)](https://www.service-public.fr/particuliers/vosdroits/F2428?lang=en)
- [Check opposition \(https://www.service-public.fr/particuliers/vosdroits/F2409?lang=en\)](https://www.service-public.fr/particuliers/vosdroits/F2409?lang=en)

If the flight involves important documents, you must report it to the appropriate authorities:

- [ID \(https://www.service-public.fr/particuliers/vosdroits/F1759?lang=en\)](https://www.service-public.fr/particuliers/vosdroits/F1759?lang=en)
- [Passport \(https://www.service-public.fr/particuliers/vosdroits/F21247?lang=en\)](https://www.service-public.fr/particuliers/vosdroits/F21247?lang=en)
- [Driver's licence \(https://www.service-public.fr/particuliers/vosdroits/F1450?lang=en\)](https://www.service-public.fr/particuliers/vosdroits/F1450?lang=en)
- [carte grise \(https://www.service-public.fr/particuliers/vosdroits/F1726?lang=en\)](https://www.service-public.fr/particuliers/vosdroits/F1726?lang=en)
- [Vital Health Insurance Card \(https://www.service-public.fr/particuliers/vosdroits/F265?lang=en\)](https://www.service-public.fr/particuliers/vosdroits/F265?lang=en)

If the flight involves [mobile \(https://www.service-public.fr/particuliers/vosdroits/F34123?lang=en\)](https://www.service-public.fr/particuliers/vosdroits/F34123?lang=en), you must ask to block your line. It is also possible to run your insurance.

In case of burglary at your home, you can be compensated through your [home insurance \(https://www.service-public.fr/particuliers/vosdroits/F2028?lang=en\)](https://www.service-public.fr/particuliers/vosdroits/F2028?lang=en). You need to assess your damage.

In case of theft or attempted theft of your vehicle, you can operate your [car insurance \(https://www.service-public.fr/particuliers/vosdroits/F2692?lang=en\)](https://www.service-public.fr/particuliers/vosdroits/F2692?lang=en).

Return of stolen item

If the stolen object was found during the police or gendarmerie investigation, you can request its return during the investigation or after the trial.

You have to use the form and send it to the court.



Application for the return of an object placed in the hands of a court

Cerfa n° 13488*03 - Ministry of Justice

Go to
form(pdf - 86.5 KB) 
(https://www.formulaires.service-public.fr/gf/cerfa_13488.do)

Who shall I contact

- [Court or Proximity Court !\[\]\(39e79a92faddb6446b52e85f72c85198_img.jpg\) \(https://www.justice.fr/recherche/annuaires\)](https://www.justice.fr/recherche/annuaires)

 **Please note** : one [website \(https://www.service-public.fr/particuliers/vosdroits/R19921?lang=en\)](https://www.service-public.fr/particuliers/vosdroits/R19921?lang=en) allows you to view some stolen objects found by the police and whose real owners are unknown.

Penalties

Theft is punishable **3** years in prison and €45,000 fine.

It is the author's will to steal that is condemned. Thus, the penalty is applicable even if the author returns the object after its theft or if there has only been an attempt to steal it.

An attempt is made to steal if the perpetrator started committing the offence but stopped it due to external circumstances. For example, if a burglar forces the door of a house, but leaves because an alarm has sounded.

The applicable maximum penalty shall be increased depending on the nature of the aggravating circumstances. This can range from 5 years to life imprisonment and up to €150 000 fine.

 **Please note** : an accomplice or a receiver may be sentenced to the same penalty as the person who committed the theft.

There are aggravating circumstances if the theft was committed in the following situations:

- In a living room
 - With break-in, i.e. by forcibly entering a car or a dwelling or by forcing the lock of a trunk
 - Against a person who is vulnerable because of their age, pregnancy or health
 - In a school
 - By a person claiming to be a policeman, policeman or any other official responsible for a public service mission
 - In public transport
 - With covering of all or part of the face
 - With violence or with the use of a weapon
 - By Multiple Authors
- By an adult with the help of a minor

Additional penalties may be imposed such as confiscation of the object used to commit the theft (weapon, vehicle...), prohibition of the pursuit of a professional activity (running a business...). Other penalties may be added for serious theft, such as a ban on possession of a weapon or a ban on residence.

Statute and miscellaneous references

- Penal Code: Articles 131-19 to 131-36 [↗](https://www.legifrance.gouv.fr/affichCode.do?idSectionTA=LEGISCTA000006181731&cidTexte=LEGITEXT000006070719) (<https://www.legifrance.gouv.fr/affichCode.do?idSectionTA=LEGISCTA000006181731&cidTexte=LEGITEXT000006070719>)
Complementary penalties (prohibition checks, confiscation..)
- Penal Code: Articles 311-1 to 311-11 [↗](https://www.legifrance.gouv.fr/codes/id/LEGIARTI000006418127) (<https://www.legifrance.gouv.fr/codes/id/LEGIARTI000006418127>)
Penalties for theft
- Penal Code: Articles 311-12 and 311-13 [↗](https://www.legifrance.gouv.fr/codes/id/LEGIARTI000042193493) (<https://www.legifrance.gouv.fr/codes/id/LEGIARTI000042193493>)
Family Immunity (311-13) attempted theft (311-13)
- Penal Code: Articles 311-14 to 311-16 [↗](https://www.legifrance.gouv.fr/codes/section_lc/LEGITEXT000006070719/LEGISCTA000006165326?isSuggest=true#LEGISCTA000006165326) (https://www.legifrance.gouv.fr/codes/section_lc/LEGITEXT000006070719/LEGISCTA000006165326?isSuggest=true#LEGISCTA000006165326)
Complementary punishments (prohibition of civil rights, prohibition of professional activity...)
- Code of Criminal Procedure: Articles 1 to 10 [↗](https://www.legifrance.gouv.fr/codes/section_lc/LEGITEXT000006071154/LEGISCTA000024458637?isSuggest=true#LEGISCTA000024458641) (https://www.legifrance.gouv.fr/codes/section_lc/LEGITEXT000006071154/LEGISCTA000024458637?isSuggest=true#LEGISCTA000024458641)
- Code of Criminal Procedure: Article 15-3 [↗](https://www.legifrance.gouv.fr/codes/id/LEGIARTI000038311441) (<https://www.legifrance.gouv.fr/codes/id/LEGIARTI000038311441>)
Complaint
- Penal Code: Article 121-7 [↗](https://www.legifrance.gouv.fr/codes/article_lc/LEGIARTI000006417212) (https://www.legifrance.gouv.fr/codes/article_lc/LEGIARTI000006417212)
Complicity
- Civil Code: Articles 2276 to 2277 [↗](https://www.legifrance.gouv.fr/codes/section_lc/LEGITEXT000006070721/LEGISCTA000019015809/2013-07-01/#LEGISCTA000019017147) (https://www.legifrance.gouv.fr/codes/section_lc/LEGITEXT000006070721/LEGISCTA000019015809/2013-07-01/#LEGISCTA000019017147)
Return of stolen object

Online services and forms

- Online Pre-Complaint (<https://www.service-public.fr/particuliers/vosdroits/R19620?lang=en>)
Online service
- View the list of objects reported as stolen (<https://www.service-public.fr/particuliers/vosdroits/R19920?lang=en>)
Search
- View the list of stolen objects found (<https://www.service-public.fr/particuliers/vosdroits/R19921?lang=en>)
Search
- Sign up for the holiday peace deal (<https://www.service-public.fr/particuliers/vosdroits/R41033?lang=en>)
Form
- Sign up for the holiday peace: Paris and small crown (departments 92, 93, 94) (<https://www.service-public.fr/particuliers/vosdroits/R43241?lang=en>)
Online service
- Sign up for the holiday peace: Paris and small crown (departments 92, 93, 94) (<https://www.service-public.fr/particuliers/vosdroits/R43129?lang=en>)
Form
- Application for the return of an object placed in the hands of a court (<https://www.service-public.fr/particuliers/vosdroits/R33420?lang=en>)
Form

For more information, please contact

- Victim assistance [↗](http://www.interieur.gouv.fr/A-votre-service/Ma-securite/Aide-aux-victimes) (<http://www.interieur.gouv.fr/A-votre-service/Ma-securite/Aide-aux-victimes>)
Ministry of the Interior
- Operation Quiet Holiday [↗](http://www.interieur.gouv.fr/A-votre-service/Ma-securite/Conseils-pratiques/Mon-domicile/Zen-en-vacances-Beneficiez-de-l-Operation-Tranquillite-Vacances) (<http://www.interieur.gouv.fr/A-votre-service/Ma-securite/Conseils-pratiques/Mon-domicile/Zen-en-vacances-Beneficiez-de-l-Operation-Tranquillite-Vacances>)
Ministry of the Interior