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# Embezzlement

From Wikipedia, the free encyclopedia

*"Embezzler" and "Peculate" redirect here. For the American progressive metal band, see [Peculate \(band\)](#). For other uses, see [The Embezzler](#).*

**Embezzlement** is an act withholding assets for the purpose of [conversion](#) (theft) of such assets, by one or more persons to whom the assets were entrusted, either to be held or to be used for specific purposes.<sup>[1]</sup> Embezzlement is a type of financial fraud, e.g. a [lawyer](#) might embezzle funds from the trust accounts of his or her clients; a [financial advisor](#) might embezzle the funds of investors; and a husband or a wife might embezzle funds from a bank account jointly held with the [spouse](#).

Embezzlement usually is a premeditated crime performed methodically, with the embezzler taking precautions to conceal his or her activities of the criminal conversion of the property of another person, because the embezzlement is occurring without the knowledge or the consent of the affected person. Often it involves the trusted individual embezzling only a small proportion or fraction of the total of the funds or resources he/she receives or controls; in an attempt to minimize the risk of the detection of the misallocation of the funds or resources. When successful, embezzlements continue for years (or even decades) without detection. It is often only when a relatively large proportion of the funds are needed at one time; or they are called upon for another use; or, when a major institutional reorganization (the closing or moving of a plant or business office, or a merger/acquisition of a firm) requires the complete and independent accounting of all real and [liquid](#) assets; prior to, or concurrent with, the reorganization, that the victims realize the [funds](#), [savings](#), [assets](#) or other resources, are missing and that they have been duped by the embezzler.

In the U.S., embezzlement is a [statutory offense](#), thus the definition of the crime of embezzlement varies according to the given statute. Typically, the criminal elements of embezzlement are: (i) the fraudulent (ii) [conversion](#) (iii) of the [property](#) (iv) of another person (v) by the person who has lawful possession of the property.<sup>[2]</sup>

(i) **Fraudulence**: The requirement that the conversion be fraudulent requires that the embezzler wilfully, and without claim of right or mistake, converted the entrusted property to his or her own use.

## Criminal law

### Elements

*Actus reus* · *Mens rea* · Causation · Concurrence

### Scope of criminal liability

Complicity · Corporate · Vicarious

### Seriousness of offense

Felony · Infraction (also called Violation) · Misdemeanor

### Inchoate offenses

Attempt · Conspiracy · Incitement · Solicitation

### Offence against the person

Assassination · Assault · Battery · Bigamy · Criminal negligence · False imprisonment · Home invasion · Homicide · Kidnapping · Manslaughter (corporate) · Mayhem · Murder (corporate) · Negligent homicide · Public indecency · Rape · Robbery · Sexual assault · Vehicular homicide

### Crimes against property

Arson · Blackmail · Bribery · Burglary · Embezzlement · Extortion · False pretenses ·



fraud



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**Fraud** is a broad term that refers to a variety of offenses involving dishonesty or "fraudulent acts". In essence, **fraud** is the intentional deception of a person or entity by another made for monetary or personal gain.



[www.hsd.state.nm.us](http://www.hsd.state.nm.us)

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In law, **fraud** is deliberate deception to secure unfair or unlawful gain, or to deprive a victim of a legal right.

[Mail and wire fraud](#) - [Employment fraud](#) - [Return fraud](#) - [Securities fraud](#)

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**Fraud.** A false representation of a matter of fact—whether by words or by conduct, by false or misleading allegations, or by concealment of what should have ...

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