



penal code
offenses by
punishment range

including updates from
the 79th Legislative Session



ATTORNEY GENERAL OF TEXAS
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PUNISHMENT BY OFFENSE CLASSIFICATION

TEXAS PENAL CODE

Offense	Punishment
Capital Felony	[Tex. Penal Code Ann. § 12.31] If the individual is found guilty and the state seeks the death penalty: <ul style="list-style-type: none">• Imprisonment in the institutional division for life without the possibility of parole or• Death If the individual is found guilty and the state does not seek the death penalty: <ul style="list-style-type: none">• Imprisonment in the institutional division for life without the possibility of parole
First Degree Felony	[Tex. Penal Code § 12.32] <ul style="list-style-type: none">• Imprisonment in the institutional division for life or• Imprisonment in the institutional division for not more than 99 years or less than five years• In addition to imprisonment, may receive a fine not to exceed \$10,000
Second Degree Felony	[Tex. Penal Code § 12.33] <ul style="list-style-type: none">• Imprisonment in the institutional division for not more than 20 years or less than two years• In addition to imprisonment, may receive a fine not to exceed \$10,000
Third Degree Felony	[Tex. Penal Code § 12.34] <ul style="list-style-type: none">• Imprisonment in the institutional division for not more than 10 years or less than two years• In addition to imprisonment, may receive a fine not to exceed \$10,000
State Jail Felony	[Tex. Penal Code § 12.35 (a), (b)] <ul style="list-style-type: none">• Confinement in a state jail for not more than two years and not less than 180 days• In addition to confinement, may receive a fine not to exceed \$10,000
Class A Misdemeanor	[Tex. Penal Code § 12.21] <ul style="list-style-type: none">• Confinement in jail for a term not to exceed one year• Fine not to exceed \$4,000• Both such fine and confinement
Class B Misdemeanor	[Tex. Penal Code § 12.22] <ul style="list-style-type: none">• Confinement in jail for a term not to exceed 180 days• Fine not to exceed \$2,000• Both such fine and confinement
Class C Misdemeanor	[Tex. Penal Code § 12.23] <ul style="list-style-type: none">• Fine not to exceed \$500

PENALTIES FOR REPEAT AND HABITUAL OFFENDERS

TEXAS PENAL CODE

Offense Grade

Enhancement

All Felonies

[Tex. Penal Code § 12.42 (d)]

If a person is on trial for any felony (except a state jail felony) and it is shown at the trial that the person has been previously convicted of two felonies, and the second previous felony conviction is for an offense that occurred subsequent to the first previous conviction having become final, on conviction the defendant shall be punished by imprisonment in the institutional division for life, or for not more than 99 years or less than 25 years.

First Degree Felony

[Tex. Penal Code § 12.42 (c)]

If a person is on trial for a first degree felony and it is shown at the trial that the person has once before been convicted of a felony (but not a state jail felony), on conviction the person shall be punished by imprisonment in the institutional division for life, or not more than 99 years or less than 15 years. In addition to imprisonment, an individual may receive a fine not to exceed \$10,000.

Second Degree Felony

[Tex. Penal Code § 12.42 (b)]

If a person is on trial for a second degree felony and it is shown at the trial that the person has once been previously convicted of a felony (but not a state jail felony), on conviction the person shall be punished for a first degree felony.

Third Degree Felony

[Tex. Penal Code § 12.42 (a)(3)]

If a person is on trial for a third degree felony and it is shown at the trial that the person has once been previously convicted of a felony (but not a state jail felony), on conviction the person shall be punished for a second degree felony.

State Jail Felony

[Tex. Penal Code § 12.42 (a)(1)]

If a person is on trial for a state jail felony and it is shown at the trial that the person has previously been finally convicted of two state jail felonies, on conviction the person shall be punished for a third degree felony.

[Tex. Penal Code § 12.42 (a)(2)]

If a person is on trial for a state jail felony and it is shown at the trial that the person has previously been finally convicted of two felonies, and the second previous felony conviction is for an offense that occurred subsequent to the first previous conviction having become final, on conviction the defendant shall be punished for a second degree felony.

State Jail Felony (cont.)

[Tex. Penal Code § 12.42 (a)(3)]

If a person is on trial for a state jail felony that is punishable under § 12.35 (c) and it is shown at the trial that the person has been once previously finally convicted of a felony [but not a state jail felony under § 12.35 (a)], on conviction the defendant shall be punished for a second degree felony.

[Tex. Penal Code § 12.35 (c)]

State Jail Felony Punishment enhanced to third degree felony if:

- the person used or exhibited a deadly weapon* during the crime or while fleeing the crime, and the person who used or exhibited the deadly weapon or was a party to the offense knew that the deadly weapon would be used or shown; or
- the person has previously been convicted of any felony listed in Article 42.12, § 3g (a)(1), Code of Criminal Procedure** or for which the judgment contains an affirmative finding under Article 42.12, § 3g (a)(2), Code of Criminal Procedure***

* Tex. Penal Code § 1.07 (a)(17): “Deadly weapon” is defined as:

(A) a firearm or anything manifestly designed, made, or adapted for the purpose of inflicting death or serious bodily injury; or

(B) anything that in the manner of its use or intended use is capable of causing death or serious bodily injury.

** Code of Criminal Procedure, Art. 42.12, § 3g (a)(1)

Tex. Penal Code, § 19.02, Murder

Tex. Penal Code, § 19.03, Capital Murder

Tex. Penal Code, § 21.11 (a)(1), Indecency with a Child

Tex. Penal Code, § 20.04, Aggravated Kidnapping

Tex. Penal Code, § 22.021, Aggravated Sexual Assault

Tex. Penal Code, § 29.03, Aggravated Robbery

Tex. Health & Safety Code Ann. § 481.134 (c), (d), (e), (f), Drug-Free Zones

Tex. Penal Code, § 22.011 (a)(2), Sexual Assault

*** Code of Criminal Procedure, Art. 42.12, § 3g (a)(2)

If it was shown at the trial that a deadly weapon was used or exhibited during the commission of a felony offense or while fleeing such a crime and the defendant used or exhibited the deadly weapon or was a party to the offense and knew that a deadly weapon would be used or exhibited. If the court makes an affirmative finding, it must be entered into the judgment. If the court makes an affirmative finding under this subdivision that the weapon was a firearm, the court shall also enter that finding into its judgment.

Class A Misdemeanor

[Tex. Penal Code § 12.43 (a)]

If a person is on trial for a Class A offense and it is shown that the person has been previously convicted of any Class A misdemeanor or any degree of felony, on conviction the defendant shall be punished by:

- Confinement in jail for not more than one year or less than 90 days
- A fine not to exceed \$4,000
- Both such fine and confinement

Class B Misdemeanor

[Tex. Penal Code § 12.43 (b)]

If a person is on trial for a Class B offense and it is shown that the person has been previously convicted of any Class A or a Class B misdemeanor or any degree of felony, on conviction the defendant shall be punished by:

- Confinement in jail for not more than 180 days or less than 30 days
- A fine not to exceed \$2,000
- Both such fine and confinement

Class C Misdemeanor

[Tex. Penal Code § 12.43 (c)]

If a person is on trial for a Class C offense under Section 42.01 (Disorderly Conduct) or 49.02 (Public Intoxication) and it is shown that the person has been convicted under either of those sections three times or three times for any combination of those offenses and each prior offense was committed in the 24 months preceding the date of commission of the instant offense, on conviction the defendant shall be punished by:

- Confinement in jail for not more than 180 days
- A fine not to exceed \$2,000
- Both such fine and confinement

See also notes on enhancements for Riot (p. 39), Driving, Flying, or Boating While Intoxicated (p. 43), or weapons offenses committed within Weapon-Free School Zones (pp.41, 43-44).

**EXCEPTIONAL SENTENCES
TEXAS PENAL CODE**

Offense Grade	Enhancement
Other than a First Degree Felony or a Class A Misdemeanor	[Tex. Penal Code § 12.47 (a)] If an affirmative finding is made that the offense was committed because of bias or prejudice, the punishment is increased to the punishment prescribed for the next highest category of offense.
Other than a First Degree Felony or a Class A Misdemeanor	[Tex. Penal Code § 12.49] If an affirmative finding is made that a controlled substance was administered or provided to the victim of any type of robbery, theft or offense against the person, the punishment is increased to the punishment prescribed for the next highest category of offense.

**CLASSIFICATION OF TITLE 4.
INCHOATE OFFENSES
TEXAS PENAL CODE**

Inchoate Offenses include Preparatory Offenses, Criminal Solicitation, Criminal Instruments, and Interception of Wire or Oral Communication.

Classification	Offense
Preparatory Offenses	Criminal Attempt [Tex. Penal Code Ann. § 15.01]
	Criminal Conspiracy [Tex. Penal Code Ann. § 15.02]
	Criminal Solicitation [Tex. Penal Code Ann. §15.03]
	Criminal Solicitation of a Minor [Tex. Penal Code Ann. § 15.031]
	Unlawful Use of Criminal Instrument [Tex. Penal Code Ann. § 16.01 (a)(1), (c)]
<i>Note on Punishment:</i>	Punishment for a preparatory offense is based on the intended offense and is one category lower than the punishment for the intended offense.
Capital Felony	none
First Degree Felony	Criminal Solicitation of a Capital Felony [Tex. Penal Code Ann. § 15.03 (a), (d)(1)]
Second Degree Felony	Criminal Solicitation of a First Degree Felony [Tex. Penal Code Ann. § 15.03 (a), (d)(2)]
	Unlawful Interception, Use, or Disclosure of a Wire, Oral, or Electronic Communications [Tex. Penal Code Ann. § 16.02 (b), (f)]
Third Degree Felony	none
State Jail Felony	Unlawful Use of Criminal Instrument (A criminal instrument is an otherwise legal instrument that has been specially designed, made, or adapted to commit a crime.) [Tex. Penal Code Ann. § 16.01 (a)(2), (c)]
	Unlawful Interception, Use, or Disclosure of a Wire, Oral, or Electronic Communications [Tex. Penal Code Ann. § 16.02 (d), (g)]

State Jail Felony (cont.)

Unlawful Use of Pen Register or Trap and Trace Device
[Tex. Penal Code Ann. § 16.03 (a), (d)]
(Pen registers and trap and trace devices are mechanical or electronic devices used in identifying outgoing/incoming phone numbers.)
[Tex. Code of Criminal Procedure Ann. Arts. 18.20 §1(14), 18.21 §1(7)]

Unlawful Access to Stored Communications (if committed to obtain a benefit or to harm another)
[Tex. Penal Code Ann. § 16.04 (b), (d)]

Illegal Divulgence of Public Communications (involving a scrambled or encrypted radio communication)
[Tex. Penal Code Ann. § 16.05 (b), (d)]

Class A Misdemeanor

Unlawful Access to Stored Communications (unless committed to obtain a benefit or harm another)
[Tex. Penal Code Ann. § 16.04 (b), (c)]

Illegal Divulgence of Public Communications (involving non-scrambled or non-encrypted radio communication, other than from a public land mobile radio service or paging service)
[Tex. Penal Code Ann. § 16.05 (b), (e)(1)]

Unlawful Installation of Tracking Device
[Tex. Penal Code Ann § 16.06 (b), (c)]

Class B Misdemeanor

none

Class C Misdemeanor

Illegal Divulgence of Public Communications (involving non-scrambled or non-encrypted radio communication from a public land mobile radio service or paging service)
[Tex. Penal Code Ann. § 16.05 (b), (e)(2)]

**CLASSIFICATION OF TITLE 5.
OFFENSES AGAINST THE PERSON
TEXAS PENAL CODE**

Offenses Against the Person include Criminal Homicide, Kidnapping and Unlawful Restraint, Sexual Offenses, and Assaultive Offenses.

Classification	Offense
Capital Felony	Capital Murder [Tex. Penal Code Ann. § 19.03 (a), (b)]
First Degree Felony	Murder (other than under immediate influence of sudden passion from an adequate cause) [Tex. Penal Code Ann. § 19.02 (b), (c)] Trafficking of Persons (person trafficked is younger than 14 or results in death) [Tex. Penal Code Ann. § 20A.02 (a), (b)] Aggravated Kidnapping (without voluntary release of victim in a safe place) [Tex. Penal Code Ann. § 20.04 (a) - (c)] Aggravated Assault (by or against a public servant, in retaliation against a prospective witness, informant, or person reporting a crime, against a security officer, or against a family member who suffered serious bodily injury) [Tex. Penal Code Ann. § 22.02 (a), (b)] Aggravated Sexual Assault [Tex. Penal Code Ann. § 22.021 (a), (e)] Sexual Assault (against a victim whom the actor was prohibited from marrying or purporting to marry or with whom the actor was prohibited from living under the appearance of being married under the bigamy law) [Tex. Penal Code Ann. § 22.011 (f)] Injury to a Child, Elderly Individual, or Disabled Individual (committed intentionally or knowingly) [Tex. Penal Code Ann. § 22.04 (a)(1) and (2), (e)] Tampering with Consumer Product (resulting in serious bodily injury) [Tex. Penal Code Ann. § 22.09 (b), (d)]
Second Degree Felony	Murder (committed under immediate influence of sudden passion from adequate cause) [Tex. Penal Code Ann. § 19.02 (b), (d)] Manslaughter [Tex. Penal Code Ann. § 19.04]

Second Degree Felony (cont.)

Trafficking of Persons (for forced labor or prostitution)
[Tex. Penal Code Ann. § 20A.02 (a), (b)]

Aggravated Kidnapping (with voluntary release of victim in a safe place)
[Tex. Penal Code Ann. §20.04 (d)]

Indecency with a Child (by sexual contact or by causing a child to engage in sexual contact)
[Tex. Penal Code Ann. § 21.11 (a)(1), (c), (d)]

Improper Relationship between Educator and Student
[Tex. Penal Code Ann. § 21.12 (a), (b)]

Sexual Assault
[Tex. Penal Code Ann. § 22.011 (a), (f)]

Aggravated Assault (not committed by or against a public servant or in retaliation against a prospective witness, informant, or person reporting a crime, against a security officer, or against a family member who suffered serious bodily injury)
[Tex. Penal Code Ann. § 22.02 (a), (b)]

Injury to a Child, Elderly Individual, or Disabled Individual (by reckless conduct)
[Tex. Penal Code Ann. § 22.04 (a)(1) and (2), (e)]

Abandoning or Endangering a Child (exposure to imminent danger of death, bodily injury, physical or mental impairment)
[Tex. Penal Code Ann. § 22.041 (b), (e)]

Tampering with Consumer Product (without serious bodily injury)
[Tex. Penal Code Ann. § 22.09 (b), (d)]

Third Degree Felony

Unlawful Restraint (by reckless exposure to substantial risk of serious bodily injury; restraint of a public servant; or while actor in custody)
[Tex. Penal Code Ann. § 20.02 (a), (c)(2)]

Kidnapping
[Tex. Penal Code Ann. § 20.03 (a), (c)]

Indecency with a Child (by exposure or by causing child to expose self)
[Tex. Penal Code Ann. § 21.11 (a)(2), (d)]

Assault (against a public servant or a security officer on official duty or a contract employee who works in a correctional or juvenile detention facility)
[Tex. Penal Code Ann. § 22.01 (a)(1), (b)(1)]

Third Degree Felony (cont.)

Assault (against a family member if the defendant has been previously convicted of an offense against a family member, including assault, homicide, kidnapping, aggravated kidnapping, and indecency with a child)

[Tex. Penal Code Ann. § 22.01 (a)(1), (b)(2)]

For assault family violence enhancements: Previous convictions includes similar out-of-state family violence convictions.

[Tex. Penal Code Ann. § 22.01 (f)(2)]

Coercing, Soliciting, or Inducing Gang Membership (causing bodily injury to the child)

[Tex. Penal Code Ann. § 22.015 (b)(2), (c)]

Injury to a Child, Elderly Individual, or Disabled Individual (committed intentionally or knowingly)

[Tex. Penal Code Ann. § 22.04 (a)(3), (f)]

Abandoning or Endangering a Child (without intent to return for the child)

[Tex. Penal Code Ann. § 22.041 (b), (d)(2)]

Deadly Conduct (discharging a firearm toward one or more people, a habitation, building, or vehicle)

[Tex. Penal Code Ann. § 22.05 (b), (e)]

Terroristic Threat (impairing or interrupting public services, placing public in fear of serious bodily injury or influencing conduct or activities of federal, state or local government)

[Tex. Penal Code Ann. § 22.07 (a)(4) - (6), (b)]

Tampering with Consumer Product (threatening to tamper with intent to cause fear, affect sale of product or cause bodily injury)

[Tex. Penal Code Ann. § 22.09 (c), (d)]

Harassment by Persons in Certain Correctional Facilities (includes TYC secure correctional or detention facilities)

[Tex. Penal Code Ann. § 22.11 (a), (b)]

State Jail Felony

Criminally Negligent Homicide

[Tex. Penal Code Ann. § 19.05]

Unlawful Restraint (person restrained was younger than 17)

[Tex. Penal Code Ann. § 20.02 (a), (c)(1)]

Unlawful Transport

[Tex. Penal Code Ann. § 20.05]

Improper Photography or Visual Recording

[Tex. Penal Code Ann. § 21.15 (b), (c)]

Coercing, Soliciting, or Inducing Gang Membership (by threatening bodily injury)

[Tex. Penal Code Ann. § 22.015 (b)(1), (c)]

State Jail Felony (cont.)

Injury to a Child, Elderly Individual, or Disabled Individual (by recklessly causing bodily injury)
[Tex. Penal Code Ann. § 22.04 (a)(3), (f)]

Injury to a Child, Elderly Individual, or Disabled Individual (by criminal negligence)
[Tex. Penal Code Ann. § 22.04 (a), (g)]

Abandoning or Endangering a Child (with intent to return for the child)
[Tex. Penal Code Ann. § 22.041 (b), (d)(1)]

Abandoning or Endangering a Child (exposing a child younger than 15 to imminent danger of death, bodily injury, or physical or mental impairment)
[Tex. Penal Code Ann. § 22.041 (c), (f)]

It is presumed that a person engaged in conduct that places a child in imminent danger of death, bodily, or physical or mental impairment if the person manufactured the controlled substance methamphetamine in the presence of the child
[Tex. Penal Code Ann. § 22.041 (c-1)]

Terroristic Threat (by causing pecuniary loss of \$1500 or more to owner of a building, room, place or conveyance)
[Tex. Penal Code Ann. § 22.07 (a)(3), (b)]

Aiding Suicide (causing suicide or serious bodily injury)
[Tex. Penal Code Ann. § 22.08]

Class A Misdemeanor

Unlawful Restraint
[Tex. Penal Code Ann. § 20.02 (a), (c)]

Public Lewdness
[Tex. Penal Code Ann. § 21.07]

Assault (causing bodily injury)
[Tex. Penal Code Ann. § 22.01 (a)(1), (b)]

Assault (offensive or provocative physical contact with elderly or disabled individual)
[Tex. Penal Code Ann. § 22.01 (a)(3), (c)(1)]

Deadly Conduct (recklessly placing another in imminent danger of serious bodily injury)
[Tex. Penal Code Ann. § 22.05 (a), (e)]

Terroristic Threat (involving family violence, against a public servant, or against public places or forms of conveyance,)
[Tex. Penal Code Ann. § 22.07 (a)(2) and (3), (b)]

Class B Misdemeanor

Indecent Exposure
[Tex. Penal Code Ann. § 21.08]

Assault (against a sports participant by a non-participant)
[Tex. Penal Code Ann. § 22.01 (a)(2) and (3), (c)(2)]

Terroristic Threat (by causing official or volunteer emergency response or by placing any person in fear of imminent serious bodily injury)
[Tex. Penal Code Ann. § 22.07 (a)(1) and (2), (b)]

Class C Misdemeanor

Homosexual Conduct
[Tex. Penal Code Ann. § 21.06]

Assault (by threatening imminent bodily injury or by causing offensive or provocative physical contact)
[Tex. Penal Code Ann. § 22.01 (a)(2) and (3), (c)]

Aiding Suicide (without causing suicide or resulting in serious bodily injury)
[Tex. Penal Code Ann. § 22.08]

Leaving a Child in a Vehicle
[Tex. Penal Code Ann. § 22.10]

**CLASSIFICATION OF TITLE 6.
OFFENSES AGAINST THE FAMILY
TEXAS PENAL CODE**

Classification	Offense
Capital Felony	none
First Degree Felony	Bigamy (prohibited spouse is younger than 16 years of age) [Tex. Penal Code Ann. § 25.01 (e)]
Second Degree Felony	Bigamy (prohibited spouse is 16 years of age or older) [Tex. Penal Code Ann. § 25.01 (e)] Prohibited Sexual Conduct (incest against son or daughter of actor's aunt or uncle) [Tex. Penal Code Ann. § 25.02 (c)] Sale or Purchase of Child (with intent to commit sexual performance by a child under §43.25, P.C.) [Tex. Penal Code Ann. § 25.08 (a), (c)]
Third Degree Felony	Bigamy (without reference to age of prohibited spouse) [Tex. Penal Code Ann. § 25.01 (e)] Prohibited Sexual Conduct (incest against all other listed relationships, including actor's current or former step-child or step-parent) [Tex. Penal Code § 25.02 (c)] Enticing a Child (with intent to commit a felony against child) [Tex. Penal Code § 25.04] Violation of Protective Order or Magistrates's Order (if previously convicted two or more times under this section or has violated a protective order by committing assault or the offense of stalking) [Tex. Penal Code Ann. § 25.07 (a), (g)] Violation of Protective Order Preventing Offense Caused by Bias or Prejudice (if previously convicted two or more times under this section or has violated a protective order by committing an assault) [Tex. Penal Code Ann. § 25.071 (a), (d)] Sale or Purchase of a Child [Tex. Penal Code § 25.08 (a), (c)] Advertising for Placement of Child (if previously convicted under this section) [Tex. Penal Code Ann. § 25.09 (a), (c)]
State Jail Felony	Interference with Child Custody [Tex. Penal Code § 25.03]

State Jail Felony (cont)

Agreement to Abduct from Custody
[Tex. Penal Code Ann. § 25.031]

Criminal Nonsupport
[Tex. Penal Code Ann. § 25.05 (a), (f)]

Interference with Rights of Guardian of the Person
[Tex. Penal Code Ann. § 25.10]

Class A Misdemeanor

Harboring a Runaway Child
[Tex. Penal Code Ann. § 25.06 (a), (d)]

Violation of a Protective Order or Magistrate's Order
[Tex. Penal Code Ann. § 25.07 (a), (g)]

Violation of Protective Order Preventing Offense Caused by Bias or
Prejudice
[Tex. Penal Code Ann. § 25.071 (a), (d)]

Advertising for Placement of Child
[Tex. Penal Code Ann. § 25.09 (a), (c)]

Class B Misdemeanor

Enticing a Child
[Tex. Penal Code Ann. § 25.04]

Class C Misdemeanor

none

**CLASSIFICATION OF TITLE 7.
OFFENSES AGAINST PROPERTY
TEXAS PENAL CODE**

Offenses Against Property include Arson, Criminal Mischief, and Other Property Damage or Destruction; Robbery; Burglary and Criminal Trespass; Theft; Fraud; Computer Crimes; Telecommunications Crimes; Money Laundering; and Insurance Fraud.

Classification	Offense
Capital Felony	none
First Degree Felony	<p>Arson (resulting in bodily injury or death or intending to damage or destroy a habitation, or a place of assembly or worship) [Tex. Penal Code Ann. § 28.02 (a), (d)]</p> <p>Criminal Mischief (pecuniary loss of \$200,000 or more, or if property is livestock and damage is caused by introducing mad cow disease or another disease described by Section 161.041(a) Agriculture Code) [Tex. Penal Code Ann. § 28.03 (a), (b)(7), (i)]</p> <p>Interference with Railroad Property (pecuniary loss of \$200,000 or more) [Tex. Penal Code Ann. § 28.07 (b), (e)(6)]</p> <p>Graffiti (pecuniary loss of \$200,000 or more) [Tex. Penal Code Ann. § 28.08 (a), (b)(6)]</p> <p>Aggravated Robbery [Tex. Penal Code Ann. § 29.03]</p> <p>Burglary (of a habitation with intent to commit a felony other than felony theft) [Tex. Penal Code Ann. § 30.02 (a), (d)]</p> <p>Theft (property value of \$200,000 or more; or \$100,000 or more but less than \$200,000, and the actor was a public servant at the time of the offense, and the property came into the actor's possession, custody, or control by virtue of his or her status as a public servant; or the actor was in a contractual relationship with a governmental body at time of offense and the property came into the actor's possession, custody, or control by virtue of the contractual relationship; or the owner of the appropriated property was an elderly individual) [Tex. Penal Code Ann. § 31.03 (a), (e)(7), (f)]</p> <p>Theft of Service (value of service stolen is \$200,000 or more) [Tex. Penal Code Ann. § 31.04 (a), (e)(7)]</p> <p>Trademark Counterfeiting (retail value of item or service is \$200,000 or more) [Tex. Penal Code Ann. § 32.23 (b), (e)(7)]</p>

First Degree Felony (cont.)

False Statement to Obtain Property or Credit (value of property or amount of credit is \$200,000 or more)

[Tex. Penal Code Ann. § 32.32 (b), (c)(7)]

Hindering Secured Creditors (value of property or proceeds is \$200,000 or more)

[Tex. Penal Code Ann. § 32.33 (b), (d)(7), (e)(7)]

Credit Card Transaction Record Laundering (record of sale is \$200,000 or more)

[Tex. Penal Code Ann. § 32.35 (b), (c), (e)(7)]

Illegal Recruitment of an Athlete (value of benefit is \$200,000 or more)

[Tex. Penal Code Ann. § 32.441 (a), (b), (e)(7)]

Misapplication of Fiduciary Property or Property of Financial Institution (value of property misapplied is \$200,000 or more; or \$100,000 or more but less than \$200,000 if committed against an elderly individual)

[Tex. Penal Code Ann. § 32.45 (b), (c)(7), (d)]

Securing Execution of Document by Deception (value of property, service or pecuniary interest is \$200,000 or more; or \$100,000 or more but less than \$200,000 if committed against an elderly individual)

[Tex. Penal Code Ann. § 32.46 (a)(1), (b)(7), (c-1)]

Breach of Computer Security (aggregate amount involved is \$200,000 or more)

[Tex. Penal Code Ann. § 33.02 (a), (b)(5)]

Unauthorized Use of Telecommunications Service (value of service used or diverted is \$200,000 or more)

[Tex. Penal Code Ann. § 33A.02 (a), (b)(6)]

Theft of Telecommunications Service (value of service obtained or attempted to be obtained is \$200,000 or more)

[Tex. Penal Code Ann. § 33A.04 (a), (b)(6)]

Money Laundering (value of funds is \$100,000 or more)

[Tex. Penal Code Ann. § 34.02 (a), (e)(3)]

Insurance Fraud (value of claim is \$200,000 or more; or value of claim is less than \$200,000 and commission of offense placed someone at risk of death or serious bodily injury)

[Tex. Penal Code Ann. § 35.02 (a), (b), (d)(7)]

Second Degree Felony

Arson (not resulting in bodily injury or death or property intended to be damaged or destroyed is not a habitation or a place of assembly or worship)

[Tex. Penal Code Ann. § 28.02 (a), (d)]

Second Degree Felony (cont.)

Criminal Mischief (pecuniary loss of \$100,000 or more but less than \$200,000)

[Tex. Penal Code Ann. § 28.03 (a), (b)(6)]

Interference with Railroad Property (pecuniary loss of \$100,000 or more but less than \$200,000)

[Tex. Penal Code Ann. § 28.07 (b), (e)(5)]

Graffiti (pecuniary loss of \$100,000 or more but less than \$200,000)

[Tex. Penal Code Ann. § 28.08 (a), (b)(5)]

Robbery

[Tex. Penal Code Ann. § 29.02]

Burglary (of a habitation)

[Tex. Penal Code Ann. § 30.02 (a), (c)(2)]

Theft (value of property is \$100,000 or more but less than \$200,000; or value of property is \$20,000 or more but less than \$100,000, and the actor was a public servant at the time of the offense and the property came into the actor's possession, custody, or control by virtue of his or her status as a public servant; or the actor was in a contractual relationship with a governmental body at time of offense and the property came into the actor's possession, custody, or control by virtue of the contractual relationship; or the owner of the appropriated property was an elderly individual)

[Tex. Penal Code Ann. § 31.03 (a), (e)(6), (f)]

Theft of Service (value of service stolen is \$100,000 or more but less than \$200,000)

[Tex. Penal Code Ann. § 31.04 (a), (e)(6)]

Trademark Counterfeiting (retail value of item or service is \$100,000 or more but less than \$200,000)

[Tex. Penal Code Ann. § 32.23 (b), (e)(6)]

False Statement to Obtain Property or Credit (value of property or amount of credit is \$100,000 or more but less than \$200,000)

[Tex. Penal Code Ann. § 32.32 (b), (c)(6)]

Hindering Secured Creditors (value of property or proceeds is \$100,000 or more but less than \$200,000)

[Tex. Penal Code Ann. § 32.33 (b), (d)(6), (e)(6)]

Credit Card Transaction Record Laundering (record of sale is \$100,000 or more but less than \$200,000)

[Tex. Penal Code Ann. § 32.35 (b), (c), (e)(6)]

Illegal Recruitment of an Athlete (value of benefit is \$100,000 or more but less than \$200,000)

[Tex. Penal Code Ann. § 32.441 (a), (b), (e)(6)]

Second Degree Felony (cont.)

Misapplication of Fiduciary Property or Property of Financial Institution (value of property is \$100,000 or more but less than \$200,000; or value of property is \$20,000 or more but less than \$100,000 if committed against an elderly individual)
[Tex. Penal Code Ann. § 32.45 (b), (c)(6), (d)]

Securing Execution of Document by Deception (value of property, service or pecuniary interest is \$100,000 or more but less than \$200,000; or value of property is \$20,000 or more but less than \$100,000 if committed against an elderly individual)
[Tex. Penal Code Ann. § 32.46 (a)(1), (b)(6), (c-1)]

Breach of Computer Security (aggregate amount involved is \$100,000 or more but less than \$200,000)
[Tex. Penal Code Ann. § 33.02 (a), (b)(4)]

Online Solicitation of a Minor (against a victim or purported victim under 14 years of age)
[Tex. Penal Code Ann. § 33.021 (f)]

Unauthorized Use of Telecommunications Service (value of service used or diverted is \$100,000 or more but less than \$200,000)
[Tex. Penal Code Ann. § 33A.02 (a), (b)(5)]

Theft of Telecommunications Service (value of service obtained or attempted to be obtained is \$100,000 or more but less than \$200,000)
[Tex. Penal Code Ann. § 33A.04 (a), (b)(5)]

Money Laundering (value of funds is \$20,000 or more but less than \$100,000)
[Tex. Penal Code Ann. § 34.02 (a), (e)(2)]

Insurance Fraud (value of claim is \$100,000 or more but less than \$200,000)
[Tex. Penal Code Ann. § 35.02 (a), (b), (d)(6)]

Third Degree Felony

Arson (recklessly starts or causes fire or explosion while manufacturing or attempting to manufacture a controlled substance and the fire or explosion damages any building, habitation or vehicle and bodily injury or death was suffered by any person)
[Tex. Penal Code Ann. § 28.03 (a-1), (e)]

Arson (start a fire with intent to cause damage or destruction or with intent to injure any person and recklessly causes damage or destruction to a building, habitation or vehicle).
[Tex. Penal Code Ann. § 28.02 (f)]

Criminal Mischief (pecuniary loss of \$20,000 or more but less than \$100,000)
[Tex. Penal Code Ann. § 28.03 (a), (b)(5)]

Third Degree Felony (cont.)

Interference with Railroad Property (causing bodily injury or pecuniary loss of \$20,000 or more but less than \$100,000)
[Tex. Penal Code Ann. § 28.07 (b), (c), (e)(4)]

Graffiti (pecuniary loss of \$20,000 or more but less than \$100,000)
[Tex. Penal Code Ann. § 28.08 (a), (b)(4)]

Theft (value of property is \$20,000 or more but less than \$100,000; or property includes certain animals and the property was stolen during a single transaction and having an aggregate value of less than \$100,000; or the value is \$1,500 or more but less than \$20,000 or includes certain animals with an aggregate value of less than \$20,000; or regardless of value property is stolen from a corpse or grave, is a firearm or official election material, and the actor was a public servant at the time of the offense and the property came into the actor's possession, custody, or control by virtue of his or her status as a public servant; or the actor was in a contractual relationship with a governmental body at time of offense and the property came into the actor's possession, custody, or control by virtue of the contractual relationship; or the owner of the appropriated property was an elderly individual)
[Tex. Penal Code Ann. § 31.03 (a), (e)(5), (f)]

Theft of Service (value of service stolen is \$20,000 or more but less than \$100,000)
[Tex. Penal Code Ann. § 31.04 (a), (e)(5)]

Theft of Trade Secrets
[Tex. Penal Code Ann. § 31.05]

Forgery (involving money, securities, postage, revenue stamps, or certain government records)
[Tex. Penal Code Ann. § 32.21 (b), (e)]

Trademark Counterfeiting (retail value of item or service is \$20,000 or more but less than \$100,000)
[Tex. Penal Code Ann. § 32.23 (b), (e)(5)]

False Statement to Obtain Property or Credit (value of property or amount of credit is \$20,000 or more but less than \$100,000)
[Tex. Penal Code Ann. § 32.32 (b), (c)(5)]

Hindering Secured Creditors (value of property is \$20,000 or more but less than \$100,000)
[Tex. Penal Code Ann. § 32.33 (b), (d)(5), (e)(5)]

Fraudulent Transfer of a Motor Vehicle (value of vehicle is \$20,000 or more)
[Tex. Penal Code Ann. § 32.34 (b)(1)-(3), (f)(2)]

Credit Card Transaction Record Laundering (amount of record of sale is \$20,000 or more but less than \$100,000)
[Tex. Penal Code Ann. § 32.35 (b), (c), (e)(5)]

Third Degree Felony (cont.)

Illegal Recruitment of an Athlete (value of benefit is \$20,000 or more but less than \$100,000)

[Tex. Penal Code Ann. § 32.441 (a), (b), (e)(5)]

Misapplication of Fiduciary Property or Property of Financial Institution (value of property misapplied is \$20,000 or more but less than \$100,000; or \$1,500 or more but less than \$20,000 if committed against an elderly individual)

[Tex. Penal Code Ann. § 32.45 (b), (c)(5), (d)]

Securing Execution of Document by Deception (value of property, service or pecuniary interest is \$20,000 or more but less than \$100,000; or \$1,500 or more but less than \$20,000 if committed against an elderly individual; or the defendant causes or induces a public servant to file or record any purported judgment or other document purporting to memorialize or evidence an act, an order, a directive, or process of a purported court or other judicial entity that is not expressly created or established under the constitution or the laws of this state or of the United States or any judicial officer of such a court or entity)

[Tex. Penal Code Ann. § 32.46 (a), (b)(5), (c-1)]

Breach of Computer Security (aggregate amount involved is \$20,000 or more but less than \$100,000)

[Tex. Penal Code Ann. § 33.02 (a), (b)(3)]

Online Solicitation of a Minor (arranging to meet a victim who is 14 years or older)

[Tex. Penal Code Ann. § 33.021 (f)]

Unauthorized Use of Telecommunications Service (value of service used or diverted is \$20,000 or more but less than \$100,000)

[Tex. Penal Code Ann. § 33A.02 (a), (b)(4)]

Manufacture, Possession, or Delivery of Unlawful Telecommunications Device

[Tex. Penal Code Ann. § 33A.03 (a) - (c)]

Theft of Telecommunications Service (value of service obtained or attempted to be obtained is \$20,000 or more but less than \$100,000)

[Tex. Penal Code Ann. § 33A.04 (a), (b)(4)]

Publication of Telecommunications Access Device (if previously convicted under this chapter)

[Tex. Penal Code Ann. § 33A.05]

Money Laundering (value of funds is \$3,000 or more but less than \$20,000)

[Tex. Penal Code Ann. § 34.02 (a), (e)(1)]

Insurance Fraud (value of claim is \$20,000 or more but less than \$100,000)

[Tex. Penal Code Ann. § 35.02 (a), (b), (d)(5)]

State Jail Felony

Arson (recklessly start fire or cause explosion while manufacturing a controlled substance and the fire or explosion damages any building, habitation or vehicle)
[Tex. Penal Code Ann. § 28.02 (a-1)]

Criminal Mischief (pecuniary loss of \$1,500 or more but less than \$20,000; or less than \$1,500, if the property damaged or destroyed was a habitation and the damage or destruction was caused by a firearm or explosive weapon; or less than \$1,500, if the property was a fence used for the production or containment of certain animals; or damage or destruction to place of worship, human burial, public monument or community center and loss is less than \$20,000; or pecuniary loss to real or tangible personal property is \$1,500 or more but less than \$20,000 and damage or destruction is on a public or private school)
[Tex. Penal Code Ann. § 28.03 (a), (b)(4), (f), (h)]

Interference with Railroad Property (pecuniary loss of \$1,500 or more but less than \$20,000)
[Tex. Penal Code Ann. § 28.07 (b), (e)(3)]

Graffiti (pecuniary loss of \$1,500 or more but less than \$20,000; or the marking was made on a school, a place of worship or human burial, a public monument, or a community center that provides medical, social, or educational programs and the loss is less than \$20,000)
[Tex. Penal Code Ann. § 28.08 (a), (b)(3), (d)]

Burglary (building other than a habitation)
[Tex. Penal Code Ann. § 30.02 (a), (c)(1)]

Burglary of Vehicles (involving a rail car)
[Tex. Penal Code Ann. § 30.04 (a), (d)]

Theft (value of property is \$1,500 or more but less than \$20,000; or property involves certain animals under the value of \$20,000; or regardless of value property was a firearm, official ballot or official carrier envelope for an election or was stolen from a corpse or grave; or the value is less than \$1,500 and the actor has previously been convicted two or more times of any theft; or value of property is \$500 or more but less than \$1,500, and the actor was a public servant at the time of the offense and the property came into the actor's possession, custody, or control by virtue of his or her status as a public servant; or the actor was in a contractual relationship with a governmental body at time of offense and the property came into the actor's possession, custody, or control by virtue of the contractual relationship; or the owner of the appropriated property was an elderly individual)
[Tex. Penal Code Ann. § 31.03 (a), (e)(4), (f)]

Theft of Service (value of service stolen is \$1,500 or more but less than \$20,000)
[Tex. Penal Code Ann. § 31.04 (a), (e)(4)]

State Jail Felony (cont.)

Unauthorized Use of a Vehicle
[Tex. Penal Code Ann. § 31.07]

Forgery (involving a will, codicil, deed, deed of trust, mortgage, security investment, credit card, check, debit authorization or other commercial instrument)
[Tex. Penal Code Ann. § 32.21 (b), (d)]

Trademark Counterfeiting (retail value of item or service is \$1,500 or more but less than \$20,000)
[Tex. Penal Code Ann. § 32.23 (b), (e)(4)]

Credit Card or Debit Card Abuse
[Tex. Penal Code Ann. § 32.31]

False Statement to Obtain Property or Credit (value of property or amount of credit is \$1,500 or more but less than \$20,000)
[Tex. Penal Code Ann. § 32.32 (b), (c)(4)]

Hindering Secured Creditors (value of property or proceeds is \$1,500 or more but less than \$20,000)
[Tex. Penal Code Ann. § 32.33 (b), (d)(4), (e)(4)]

Fraudulent Transfer of a Motor Vehicle (value of vehicle is less than \$20,000)
[Tex. Penal Code Ann. § 32.34 (b)(1)-(3), (f)(1)]

Credit Card Transaction Record Laundering (amount of record of sale is \$1,500 or more but less than \$20,000)
[Tex. Penal Code Ann. § 32.35 (b), (c), (e)(4)]

Commercial Bribery
[Tex. Penal Code Ann. § 32.43]

Illegal Recruitment of an Athlete (value of benefit is \$1,500 or more but less than \$20,000)
[Tex. Penal Code Ann. § 32.441 (a), (b), (e)(4)]

Misapplication of Fiduciary Property or Property of Financial Institution (value of property misapplied is \$1,500 or more but less than \$20,000; or \$500 or more but less than \$1,500 if committed against an elderly individual)
[Tex. Penal Code Ann. § 32.45 (b), (c)(4), (d)]

State Jail Felony (cont.)

Securing Execution of Document by Deception (value of property, service or pecuniary interest is \$1,500 or more but less than \$20,000; or \$500 or more but less than \$1,500 if committed against an elderly individual; or the defendant causes or induces a public servant to file or record any purported judgment or other document purporting to memorialize or evidence an act, an order, a directive, or process of a purported court or other judicial entity that is not expressly created or established under the constitution or the laws of this state or of the United States or any judicial officer of such a court or entity)
[Tex. Penal Code Ann. § 32.46 (a), (b)(4), (c), (c-1)]

Fraudulent Destruction, Removal, or Concealment of Writing (wills, deeds or certain secured transactions)
[Tex. Penal Code Ann. § 32.47 (a), (d)]

Simulating Legal Process (if previously convicted under this section)
[Tex. Penal code Ann. § 32.48 (a), (f)]

Fraudulent Use or Possession of Identifying Information
[Tex. Penal Code Ann. § 32.51 (b), (c)]

Breach of Computer Security (aggregate amount involved is \$1,500 or more but less than \$20,000, or less than \$1,500 and defendant has been previously convicted two or more times of a computer crime)
[Tex. Penal Code Ann. § 33.02 (a), (b)(2)]

Online Solicitation of a Minor (against a victim or purported victim who is 14 years or older)
[Tex. Penal Code Ann. § 33.021 (f)]

Unauthorized Use of Telecommunications Service (value of service used or diverted is \$1,500 or more but less than \$20,000, or less than \$1,500 and the defendant has previously been convicted two or more times of a computer crime)
[Tex. Penal Code Ann. § 33A.02 (a), (b)(3)]

Theft of Telecommunications Service (value of service obtained is \$1,500 or more but less than \$20,000, or less than \$1,500 and the defendant has previously been convicted two or more times of a telecommunications crime)
[Tex. Penal Code Ann. § 33A.04 (a), (b)(3)]

Insurance Fraud (value of claim is \$1,500 or more but less than \$20,000)
[Tex. Penal Code Ann. § 35.02 (a), (b), (d)(4)]

Class A Misdemeanor

Criminal Mischief (pecuniary loss is \$500 or more but less than \$1,500; or less than \$1,500 and impairment or interruption of a public service; or regardless of value actor impairs or interrupts any public water supply)
[Tex. Penal Code Ann. § 28.03 (a), (b)(3)]

Class A Misdemeanor (cont.)

Interference with Railroad Property (pecuniary loss of \$500 or more but less than \$1,500)

[Tex. Penal Code Ann. § 28.07 (b), (e)(2)]

Graffiti (pecuniary loss of \$500 or more but less than \$1,500)

[Tex. Penal Code Ann. § 28.08 (a), (b)(2)]

Burglary of Coin-Operated or Coin-Collection Machines

[Tex. Penal Code Ann. § 30.03]

Burglary of Vehicles (if not a rail car)

[Tex. Penal Code Ann. § 30.04 (a), (d)]

Criminal Trespass (in a habitation, a shelter center, or on a Superfund site, or while carrying a deadly weapon)

[Tex. Penal Code Ann. § 30.05 (a), (d), (e)]

Trespass by Holder of License to Carry Concealed Handgun

[Tex. Penal Code Ann. § 30.06]

Theft (value of property is \$500 or more but less than \$1,500; or value is \$50 or more but less than \$500, or \$20 or more but less than \$500 and knowingly used a hot check, or less than \$50 or \$20 by hot check and previous theft conviction, and the actor was a public servant at the time of the offense and the property came into the actor's possession, custody, or control by virtue of his or her status as a public servant; or the actor was in a contractual relationship with a governmental body at time of offense and the property came into the actor's possession, custody, or control by virtue of the contractual relationship; or the owner of the appropriated property was an elderly individual)

[Tex. Penal Code Ann. § 31.03 (a), (e)(3), (f)]

Theft of Service (value of service stolen is \$500 or more but less than \$1,500)

[Tex. Penal Code Ann. § 31.04 (a), (e)(3)]

Tampering with Identification Numbers

[Tex. Penal Code Ann. § 31.11]

Theft of or Tampering with Multichannel Video Information Services (if committed for remuneration or if previously convicted two or more times under this section)

[Tex. Penal Code Ann. § 31.12 (a), (d)]

Manufacture, Distribution, or Advertisement of Multichannel Video or Information Services Device

[Tex. Penal Code Ann. § 31.13]

Sale or Lease of Multichannel Video or Information Services Device

[Tex. Penal Code Ann. § 31.14]

Class A Misdemeanor (cont.)

Possession, Manufacture, or Distribution of Certain Instruments
Used to Commit Retail Theft
[Tex. Penal Code Ann. § 31.15]

Forgery (other than purported will, codicil, deed, or other
commercial instruments, including money, securities or government
record)
[Tex. Penal Code Ann. § 32.21 (b), (c)]

Criminal Simulation
[Tex. Penal Code Ann. § 32.22]

Trademark Counterfeiting (retail value of item or service is \$500 or
more but less than \$1,500)
[Tex. Penal Code Ann. § 32.23 (b), (e)(3)]

Stealing or Receiving Stolen Check or Similar Sight Order
[Tex. Penal Code Ann. § 32.24]

False Statement to Obtain Property or Credit (value of property or
amount of credit is \$500 or more but less than \$1,500)
[Tex. Penal Code Ann. § 32.32 (b), (c)(3)]

Hindering Secured Creditors (value of property is \$500 or more but
less than \$1,500)
[Tex. Penal Code Ann. § 32.33 (b), (d)(3), (e)(3)]

Fraudulent Transfer of a Motor Vehicle (failure to disclose location
of vehicle)
[Tex. Penal Code Ann. § 32.34 (b)(4), (g)]

Credit Card Transaction Record Laundering (value of property is
\$500 or more but less than \$1,500)
[Tex. Penal Code Ann. § 32.35 (b), (c), (e)(3)]

Deceptive Business Practices (certain acts intentionally, knowingly
or recklessly committed; or if previously convicted for Class B or C
misdemeanor under this section)
[Tex. Penal Code Ann. § 32.42 (b), (c)(2), (d)]

Rigging Publicly Exhibited Contest
[Tex. Penal Code Ann. § 32.44]

Illegal Recruitment of an Athlete (value of benefit is \$500 or more
but less than \$1,500)
[Tex. Penal Code Ann. § 32.441 (a), (b), (e)(3)]

Misapplication of Fiduciary Property or Property of Financial
Institution (value of property misapplied is \$500 or more but less
than \$1,500; or \$20 or more but less than \$500 if committed against
an elderly individual)
[Tex. Penal Code Ann. § 32.45 (b), (c)(3), (d)]

Class A Misdemeanor (cont.)

Securing Execution of Document by Deception (value of property, service or pecuniary interest is \$500 or more but less than \$1,500; or \$20 or more but less than \$500 if committed against an elderly individual)

[Tex. Penal Code Ann. § 32.46 (a)(1), (b)(3), (c-1)]

Fraudulent Destruction, Removal, or Concealment of Writing (other than wills, deeds or certain secured transactions)

[Tex. Penal Code Ann. § 32.47 (a), (c)]

Simulating Legal Process

[Tex. Penal Code Ann. § 32.48 (a), (e)]

Refusal to Execute Release of Fraudulent Lien or Claim

[Tex. Penal Code Ann. § 32.49 (a), (c)]

Breach of Computer Security (aggregate amount involved is less than \$1,500)

[Tex. Penal Code Ann. § 33.02 (a), (b)(1)]

Unauthorized Use of Telecommunications Service (value of service used or diverted is \$500 or more but less than \$1,500, or less than \$500 and previously convicted of a telecommunications crime)

[Tex. Penal Code Ann. § 33A.02 (a), (b)(2)]

Theft of Telecommunications Service (value of service obtained or attempted to be obtained is \$500 or more but less than \$1,500, or less than \$500 and has previously been convicted of a telecommunications crime)

[Tex. Penal Code Ann. § 33A.04 (a), (b)(2)]

Publication of Telecommunications Access Device

[Tex. Penal Code Ann. § 33A.05]

Insurance Fraud (value of claim is \$500 or more but less than \$1,500)

[Tex. Penal Code Ann. § 35.02 (a), (b), (d)(3)]

Class B Misdemeanor

Criminal Mischief (pecuniary loss is \$50 or more but less than \$500)

[Tex. Penal Code Ann. § 28.03 (a), (b)(2)]

Interference with Railroad Property (pecuniary loss is \$20 or more but less than \$500 or throwing an object or discharging a firearm or weapon at a train)

[Tex. Penal Code Ann. § 28.07 (b)(1), (c), (e)(1)]

Graffiti (pecuniary loss is less than \$500)

[Tex. Penal Code Ann. § 28.08 (a), (b)(1)]

Criminal Trespass (other than at a habitation, a shelter center, or a Superfund site, or while carrying a deadly weapon)

[Tex. Penal Code Ann. § 30.05 (a), (d)]

Class B Misdemeanor (cont.)

Theft (value of property is \$50 or more but less than \$500; \$20 or more but less than \$500 and knowingly used a hot check; or less than \$50, or less than \$20 and used a check, or less than \$50 or \$20 with a check and previously convicted of any grade of theft, and the actor was a public servant at the time of the offense and the property came into the actor's possession, custody, or control by virtue of his or her status as a public servant; or the actor was in a contractual relationship with a governmental body at time of offense and the property came into the actor's possession, custody, or control by virtue of the contractual relationship; or the owner of the appropriated property was an elderly individual)
[Tex. Penal Code Ann. § 31.03 (a), (e)(2), (f)]

Theft of Service (value of service stolen is \$20 or more but less than \$500)
[Tex. Penal Code Ann. § 31.04 (a), (e)(2)]

Theft of or Tampering with Multichannel Video or Information Services (committed without remuneration and previously convicted of an offense under this section)
[Tex. Penal Code Ann. § 31.12 (a), (d)(1)]

Trademark Counterfeiting (retail value of item or service is \$20 or more but less than \$500)
[Tex. Penal Code Ann. § 32.23 (b), (e)(2)]

False Statement to Obtain Property or Credit (value of property or amount of credit is \$50 or more but less than \$500)
[Tex. Penal Code Ann. § 32.32 (b), (c)(2)]

Hindering Secured Creditors (value of property is \$20 or more but less than \$500)
[Tex. Penal Code Ann. § 32.33 (b), (d)(2), (e)(2)]

Credit Card Transaction Record Laundering (amount of record of sale is \$20 or more but less than \$500)
[Tex. Penal Code Ann. § 32.35 (b), (c), (e)(2)]

Issuance of Bad Check (for court ordered child support payment)
[Tex. Penal Code Ann. § 32.41 (a), (f)]

Illegal Recruitment of an Athlete (value of benefit is \$20 or more but less than \$500) [Tex. Penal Code Ann. § 32.441 (a), (b), (e)(2)]

Misapplication of Fiduciary Property or Property of Financial Institution (value of property misapplied is \$20 or more but less than \$500; or less than \$20 if committed against an elderly individual)
[Tex. Penal Code Ann. § 32.45 (b), (c)(2), (d)]

Securing Execution of Document by Deception (value of property, service or pecuniary interest is \$20 or more but less than \$500; or less than \$20 if committed against an elderly individual)
[Tex. Penal Code Ann. § 32.46 (a)(1), (b)(2), (c-1)]

Breach of Computer Security (without obtaining benefit, harming another, or damaging property)

[Tex. Penal Code Ann. § 33.02 (a), (b)]

Unauthorized Use of Telecommunications Service (value of service used or diverted is less than \$500)

[Tex. Penal Code Ann. § 33A.02 (a), (b)(1)]

Theft of Telecommunications Service (value of service obtained or attempted to be obtained is less than \$500)

[Tex. Penal Code Ann. § 33A.04 (a), (b)(1)]

Insurance Fraud (value of claim is \$20 or more but less than \$500)

[Tex. Penal Code Ann. § 35.02 (a), (b), (d)(2)]

Class C Misdemeanor

Criminal Mischief (pecuniary loss is less than \$50; or causes substantial inconvenience to others, not involving a public service)

[Tex. Penal Code Ann. § 28.03 (a), (b)(1)]

Reckless Damage or Destruction

[Tex. Penal Code Ann. § 28.04]

Interference with Railroad Property (entering or tampering with railroad property; placing an obstruction on any railroad track; or any derailment and amount of pecuniary loss is less than \$20)

[Tex. Penal Code Ann. § 28.07 (b)(2), (d), (e)]

Criminal Trespass (other than at a habitation or while carrying a deadly weapon)

[Tex. Penal Code Ann. § 30.05 (a), (d), (e)]

Theft (value of property is less than \$50; or less than \$20 and knowingly used a hot check)

[Tex. Penal Code Ann. § 31.03 (a), (b), (e)(1)]

Theft of Service (value of service stolen is less than \$20)

[Tex. Penal Code Ann. § 31.04 (a), (e)(1)]

Theft of or Tampering with Multichannel Video or Information Services (committed without remuneration)

[Tex. Penal Code Ann. § 31.12 (a), (d)]

Trademark Counterfeiting (retail value of item or service is less than \$20)

[Tex. Penal Code Ann. § 32.23 (b), (e)(1)]

False Statement to Obtain Property or Credit (value of property or amount of credit is less than \$50)

[Tex. Penal Code Ann. § 32.32 (b), (c)(1)]

Hindering Secured Creditors (value of property is less than \$20)

[Tex. Penal Code Ann. § 32.33 (b), (d)(1), (e)(1)]

Class C Misdemeanor (cont.)

Credit Card Transaction Record Laundering (amount of the record of sale is less than \$20)

[Tex. Penal Code Ann. § 32.35 (b), (c), (e)(1)]

Issuance of a Bad Check

[Tex. Penal Code Ann. § 32.41 (a), (f)]

Deceptive Business Practices (criminal negligence with no previous conviction under this section)

[Tex. Penal Code Ann. § 32.42 (b)(1)-(6), (c)(1)]

Illegal Recruitment of an Athlete (value of benefit is less than \$20)

[Tex. Penal Code Ann. § 32.441 (a), (b), (e)(1)]

Misapplication of Fiduciary Property or Property of Financial Institution (value of property misapplied is less than \$20)

[Tex. Penal Code Ann. § 32.45 (b), (c)(1)]

Securing Execution of Document by Deception (value of property, service or pecuniary interest is less than \$20)

[Tex. Penal Code Ann. § 32.46 (a)(1), (b)(1)]

Deceptive Preparation and Marketing of Academic Product

[Tex. Penal Code Ann. § 32.50 (b), (c), (g)]

Insurance Fraud (value of claim is less than \$20)

[Tex. Penal Code Ann. § 35.02 (a), (b), (d)(1)]

**CLASSIFICATION OF TITLE 8.
OFFENSES AGAINST PUBLIC ADMINISTRATION
TEXAS PENAL CODE**

Offenses Against Public Administration include Bribery and Corrupt Influence, Perjury and Other Falsification, Obstructing Governmental Operation, and Abuse of Office.

Classification	Offense
Capital Felony	none
First Degree Felony	<p>Escape (causing serious bodily injury; using or threatening use of deadly weapon) [Tex. Penal Code Ann. § 38.06 (a), (e)]</p> <p>Abuse of Official Capacity (value of thing misused is \$200,000 or more) [Tex. Penal Code Ann. § 39.02 (a)(2), (c)(7)]</p>
Second Degree Felony	<p>Bribery [Tex. Penal Code Ann. § 36.02]</p> <p>Obstruction or Retaliation (if harmed or threatened because of victim's service or status as a juror) [Tex. Penal Code Ann. § 36.06 (a), (c)]</p> <p>Tampering with Governmental Record (with intent to defraud or harm another) [Tex. Penal Code Ann. § 37.10 (a), (c)(2), (d)(3)]</p> <p>Fraudulent Filing of Financing Statement (two or more previous convictions under this section) [Tex. Penal Code Ann. § 37.101 (a)(1), (b)]</p> <p>Evading Arrest or Detention (if another suffers death as a direct result) [Tex. Penal Code Ann. § 38.04 (a), (b)(3)]</p> <p>Escape (causing bodily injury) [Tex. Penal Code Ann. § 38.06 (a), (d)]</p> <p>Permitting or Facilitating Escape (involving a felon confined in a secure correctional facility; or using or threatening use of deadly weapon) [Tex. Penal Code Ann. § 38.07 (a), (b), (e)]</p> <p>Implements for Escape (introducing or providing a deadly weapon) [Tex. Penal Code Ann. § 38.09]</p> <p>Abuse of Official Capacity (value of thing misused is \$100,000 or more but less than \$200,000) [Tex. Penal Code Ann. § 39.02 (a)(2), (c)(6)]</p>

Third Degree Felony

Coercion of Public Servant or Voter (if coercion is a threat to commit a felony)

[Tex. Penal Code Ann. § 36.03 (a), (b)]

Obstruction or Retaliation (if victim is not a juror)

[Tex. Penal Code Ann. § 36.06 (a), (c)]

Aggravated Perjury

[Tex. Penal Code Ann. § 37.03]

Tampering with or Fabricating Physical Evidence

[Tex. Penal Code Ann. § 37.09 (a), (c), (d)(1)]

Tampering with Governmental Record (without intent to defraud or harm another)

[Tex. Penal Code Ann. § 37.10 (a), (c)(2), (d)(2)]

Fraudulent Filing of Financing Statement

[Tex. Penal Code Ann. § 37.101 (a)(1), (b)]

Impersonating Public Servant

[Tex. Penal Code Ann. § 37.11]

Record of Fraudulent Court (two or more previous convictions under this section)

[Tex. Penal Code Ann. § 37.13 (a), (b)]

Resisting Arrest, Search, or Transportation (if using a deadly weapon)

[Tex. Penal Code Ann. § 38.03 (a), (d)]

Evading Arrest or Detention (if vehicle used and actor previously convicted under this section; or another suffers serious bodily injury as a direct result)

[Tex. Penal Code Ann. § 38.04 (a), (b)(2)]

Hindering Apprehension or Prosecution (with knowledge that the concealed person's involvement or alleged involvement is felony-related)

[Tex. Penal Code Ann. § 38.05 (a), (c)]

Escape (if actor arrested for, charged with, or convicted of a felony; or is confined in a secure correctional facility; or is committed to a secure correctional facility, other than a halfway house, operated by or under contract with the Texas Youth Commission)

[Tex. Penal Code Ann. § 38.06 (a), (c)]

Permitting or Facilitating Escape (if actor arrested for, charged with, or convicted of a felony; or confined in a correctional facility other than a secure correctional facility after a felony conviction)

[Tex. Penal Code Ann. § 38.07 (a), (b), (d)]

Third Degree Felony (cont.)

Implements for Escape (without introducing or providing a deadly weapon)

[Tex. Penal Code Ann. § 38.09]

Bail Jumping and Failure to Appear (if charged with a felony)

[Tex. Penal Code Ann. § 38.10 (a), (f)]

Prohibited Substances and Items in Correctional Facility or on Property of Texas Department of Criminal Justice (attempted offense is also a third degree felony or while possessing a cell phone)

[Tex. Penal Code Ann. § 38.11 (a) - (d), (g), (h), (j)]

Improper Contact With Victim (if actor is confined in a correctional facility after being convicted of a felony sex offense)

[Tex. Penal Code Ann. § 38.111 (a), (d)]

Barratry and Solicitation of Professional Employment (certain acts; or if previously convicted for an unauthorized communication)

[Tex. Penal Code Ann. § 38.12 (a), (b), (f), (h)]

Falsely Holding Oneself Out as a Lawyer

[Tex. Penal Code Ann. § 38.122 (a), (b)]

Unauthorized Practice of Law (if previously convicted under this section)

[Tex. Penal Code Ann. § 38.123 (a), (d)]

Taking or Attempting to Take Weapon from Peace Officer, Parole Officer, or Community Supervision and Corrections Department Officer (if weapon is taken)

[Tex. Penal Code Ann. § 38.14(b), (e)]

Interference with Police Service Animals (killing a police service animal or engaging in conduct likely to kill the animal)

[Tex. Penal Code Ann § 38.151 (b)(6) and (7), (c)(5)]

Abuse of Official Capacity (value of thing misused is \$20,000 or more but less than \$100,000)

[Tex. Penal Code Ann. § 39.02 (a)(2), (c)(5)]

Misuse of Official Information (without coercing another to suppress or fail to report information to a law enforcement agency)

[Tex. Penal Code Ann. § 39.06 (a)(1) and (2), (b), (c), (e)]

State Jail Felony

Tampering with Witness

[Tex. Penal Code Ann. § 36.05]

Tampering with Governmental Record (with intent to defraud or harm another)

[Tex. Penal Code Ann. § 37.10 (a), (c)(1)]

State Jail Felony (cont.)

Fraudulent Filing of Financing Statement (with intent to defraud or harm another)

[Tex. Penal Code Ann. § 37.101 (a)(2) and (3), (b)]

Evading Arrest or Detention (if vehicle used and actor not previously convicted under this section)

[Tex. Penal Code Ann. § 38.04 (a), (b)(1)]

Unauthorized Absence from Community Corrections Facility, County Correctional Center, or Assignment Site

[Tex. Penal Code Ann. § 38.113]

Taking or Attempting to Take Weapon from Peace Officer, Parole Officer, or Community Supervision and Corrections Department Officer (if actor attempted to take weapon)

[Tex. Penal Code Ann. § 38.14 (b), (e)]

Interference with Police Service Animals (injuring a police service animal or engaging in conduct likely to injure the animal)

[Tex. Penal Code Ann. § 38.151 (b)(6) and (7), (c)(4)]

Abuse of Official Capacity (value of thing misused is \$1,500 or more but less than \$20,000)

[Tex. Penal Code Ann. § 39.02 (a)(2), (c)(4)]

Violation of the Civil Rights of Person in Custody; Improper Sexual Activity with Person in Custody (by engaging in sexual contact)

[Tex. Penal Code Ann. § 39.04 (a)(2), (b), (f), (g)]

Interference with Emergency Telephone Call (if previously convicted under this section)

[Tex. Penal Code Ann. § 42.062 (a) - (c)]

Class A Misdemeanor

Coercion of Public Servant or Voter (if coercion is not a threat to commit a felony)

[Tex. Penal Code Ann. § 36.03 (a), (b)]

Improper Influence

[Tex. Penal Code Ann. § 36.04 (a), (c)]

Acceptance of Honorarium

[Tex. Penal Code Ann. § 36.07 (a), (c)]

Gift to Public Servant by Person Subject to His Jurisdiction

[Tex. Penal Code Ann. § 36.08]

Offering Gift to Public Servant

[Tex. Penal Code Ann. § 36.09]

Perjury

[Tex. Penal Code Ann. § 37.02]

Tampering with or Fabricating Physical Evidence

[Tex. Penal Code Ann. § 37.09 (c), (d)(2)]

Class A Misdemeanor (cont.)

Tampering with Governmental Record (without intent to defraud or harm another)

[Tex. Penal Code Ann. § 37.10 (a), (c)(1)]

Fraudulent Filing of Financing Statement (without intent to defraud or harm another)

[Tex. Penal Code Ann. § 37.101 (a)(2) and (3), (b)]

Record of a Fraudulent Court

[Tex. Penal Code Ann. § 37.13 (a), (b)]

Failure to Identify (if involving a fugitive from justice)

[Tex. Penal Code Ann. § 38.02 (b), (d)(2)]

Resisting Arrest, Search, or Transportation (without use of a deadly weapon)

[Tex. Penal Code Ann. § 38.03 (a), (c)]

Hindering Apprehension or Prosecution (with knowledge that the concealed person is sought under the authority of a warrant or capias)

[Tex. Penal Code Ann. § 38.05 (a), (c)]

Escape (if arrested for, charged with, or convicted of an offense; or in court-ordered custody)

[Tex. Penal Code Ann. § 38.06 (a), (b)]

Permitting or Facilitating Escape

[Tex. Penal Code Ann. § 38.07 (a), (c)]

Bail Jumping and Failure to Appear (not involving punishment by fine only; or charged with a felony)

[Tex. Penal Code Ann. § 38.10 (a), (d)]

Improper Contact With Victim (if person is charged with but not convicted of a felony sex offense)

[Tex. Penal Code Ann. § 38.111 (a), (d)]

Violation of Protective Order Issued on Basis of Sexual Assault

[Tex. Penal Code Ann. § 38.112]

Barratry and Solicitation of Professional Employment (certain acts; no prior conviction under same subsection)

[Tex. Penal Code Ann. § 38.12 (d), (g)]

Unauthorized Practice of Law

[Tex. Penal Code Ann. § 38.123 (a), (c)]

Hindering Proceedings by Disorderly Conduct

[Tex. Penal Code Ann. § 38.13]

Interference with Police Service Animals

[Tex. Penal Code Ann. § 38.151 (b)(3), (4), and (5), (c)(3)]

Class A Misdemeanor (cont.)	<p>Failure to Stop or Report Aggravated Sexual Assault of Child [Tex. Penal Code Ann. § 38.17]</p> <p>Failure to Report Felony [Tex. Penal Code Ann. § 38.171]</p> <p>Abuse of Official Capacity (value of thing misused is \$500 or more but less than \$1,500; or violating a law relating to office or employment) [Tex. Penal Code Ann. § 39.02 (a) - (c)(3)]</p> <p>Official Oppression [Tex. Penal Code Ann. § 39.03 (a), (d)]</p> <p>Violations of the Civil Rights of Person in Custody; Improper Sexual Activity with Person in Custody [Tex. Penal Code Ann. § 39.04 (a)(1), (b)]</p> <p>Interference with Emergency Telephone Call [Tex. Penal Code Ann. §42.062 (a)-(c)]</p>
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Class B Misdemeanor	<p>False Report to Peace Officer or Law Enforcement Employee [Tex. Penal Code Ann. § 37.08]</p> <p>Tampering with Governmental Record (if convicted of presenting or using the record) [Tex. Penal Code Ann. § 37.10 (a)(2) and (5), (d)(1)]</p> <p>False Identification as Peace Officer; Misrepresentation of Property [Tex. Penal Code Ann. § 37.12 (a), (d), (e)]</p> <p>Failure to Identify (involving a fugitive from justice) [Tex. Penal Code Ann. § 38.02 (a), (d)(1)]</p> <p>Failure to Identify (not involving a fugitive from justice) [Tex. Penal Code Ann. § 38.02 (b), (c)(2)]</p> <p>Evading Arrest or Detention (not involving use of a vehicle; not previously convicted under this section; or with no one suffering serious bodily injury or death) [Tex. Penal Code Ann. § 38.04 (a), (b)]</p> <p>Providing Contraband In a Correctional Facility (involving contraband not listed under 38.11 by and Employee or Volunteer of the correctional facility) [Tex. Penal Code Ann. § 38.114 (c)]</p> <p>Interference with Public Duties [Tex. Penal Code Ann. § 38.15 (a), (b)]</p> <p>Interference with Police Service Animals (by throwing object or substance at animal) [Tex. Penal Code Ann. § 38.151 (b)(2), (c)(2)]</p>

Class B Misdemeanor (cont.)	Use of Accident Report Information and Other Information For Pecuniary Gain [Tex. Penal Code Ann. § 38.18]
	Failure to Provide Notice and Report of Death of Resident of Institution [Tex. Penal Code Ann. § 38.19]
	Abuse of Official Capacity (value of thing misused is \$20 or more but less than \$500) [Tex. Penal Code Ann. § 39.02 (a)(2), (c)(2)]
	Failure to Report Death of Prisoner [Tex. Penal Code Ann. § 39.05]
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Class C Misdemeanor	False Report Regarding Missing Child or Missing Person [Tex. Penal Code Ann. § 37.081]
	Failure to Identify (not involving fugitive from justice) [Tex. Penal Code Ann. § 38.02 (a), (c)(1)]
	Bail Jumping and Failure to Appear (if underlying charge punishable by fine only) [Tex. Penal Code Ann. § 38.10 (a), (e)]
	Providing Contraband in a Correctional Facility (involving contraband not listed under 38.11 and not involving an employee or volunteer) [Tex. Penal Code Ann. § 38.114 (c)]
	Interference with Police Service Animals (by taunting, tormenting or striking animal) [Tex. Penal Code Ann. § 38.151 (b)(1), (c)(1)]
	Preventing Execution of Civil Process [Tex. Penal Code Ann. § 38.16]
	Abuse of Official Capacity (value of thing misused is less than \$20) [Tex. Penal Code Ann. § 39.02 (a)(2), (c)(1)]
	Misuse of Official Information [Tex. Penal Code Ann. § 39.06 (a)(3), (f)]

**CLASSIFICATION OF TITLE 9.
OFFENSES AGAINST PUBLIC ORDER & DECENCY
TEXAS PENAL CODE**

Offenses Against Public Order and Decency include Disorderly Conduct and Related Offenses, and Public Indecency.

Classification	Offense
Capital Felony	none
First Degree Felony	none
Second Degree Felony	<p>Stalking (if previously convicted under this section) [Tex. Penal Code Ann. § 42.072 (a), (b)]</p> <p>Compelling Prostitution [Tex. Penal Code Ann. § 43.05]</p> <p>Sexual Performance by a Child (by employing, authorizing, or inducing a child younger than age 18) [Tex. Penal Code Ann. § 43.25 (b), (c)]</p> <p>Possession or Promotion of Child Pornography [Tex. Penal Code Ann. § 43.26 (a), (e), (g)]</p>
Third Degree Felony	<p>Stalking [Tex. Penal Code Ann. § 42.072 (a), (b)]</p> <p>Cruelty to Animals (certain subsections and if previously convicted two or more times under this section) [Tex. Penal Code Ann. § 42.09 (a)(1), (5) - (8), (i)]</p> <p>Attack on Assistance Animal (resulting in death of animal) [Tex. Penal Code Ann. § 42.091 (a), (b), (c)(3)]</p> <p>Aggravated Promotion of Prostitution [Tex. Penal Code Ann. § 43.04]</p> <p>Obscenity (depicting a child or image of a child younger than 18) [Tex. Penal Code Ann. § 43.23 (a), (h)]</p> <p>Sale, Distribution, or Display of Harmful Material to Minor (by hiring, employing, or using a minor to violate this section) [Tex. Penal Code Ann. § 43.24 (b)(3), (d)]</p> <p>Sexual Performance by a Child (by producing or directing a sexual performance by a child younger than age 18) [Tex. Penal Code Ann. § 43.25 (d), (e)]</p> <p>Possession or Promotion of Child Pornography [Tex. Penal Code Ann. § 43.26 (a), (d)]</p>

State Jail Felony

False Alarm or Report (involving certain public emergencies)
[Tex. Penal Code Ann. § 42.06]

Interference with Emergency Telephone Call (if previously convicted under this section)
[Tex. Penal Code Ann. § 42.062 (a), (b), (c)]

Cruelty to Animals (certain subsections and if previously convicted two or more times under this section)
[Tex. Penal Code Ann. § 42.09 (a)(2) - (4), (9), and (10), (d),]

Cruelty to Animals (certain subsections)
[Tex. Penal Code Ann. § 42.09 (a)(1), (5) - (8), (i)]

Attack on Assistance Animal (resulting in injury to animal)
[Tex. Penal Code Ann. § 42.091 (a), (b), (c)(2)]

Dog Fighting (for pecuniary benefit; operating a facility; or using or permitting others to use facility)
[Tex. Penal Code Ann. § 42.10 (a)(2), (3), and (4), (e)]

Prostitution (if previously convicted three or more times under this section)
[Tex. Penal Code Ann. § 43.02 (a), (c)]

Obscenity (wholesale promotion or possession of obscene material or device; or by promoting or possessing with intent to promote obscene material or device depicting a child or the image of a child younger than 18; or by directing or participating in obscene performance of a child or image depicting a child)
[Tex. Penal Code Ann. § 43.23 (a) - (c), (h)]

Class A Misdemeanor

False Alarm or Report (not involving a public emergency)
[Tex. Penal Code Ann. § 42.06]

Interference with Emergency Telephone Call
[Tex. Penal Code Ann. § 42.062 (a), (b), and (c)]

Harassment (if previously convicted under this section)
[Tex. Penal Code Ann § 42.07 (a), (c)]

Abuse of Corpse
[Tex. Penal Code Ann. § 42.08]

Cruelty to Animals (violation of certain subsections and not previously convicted under this section)
[Tex. Penal Code Ann. § 42.09 (a)(2) - (4), (9), and (10), (d)]

Attack on Assistance Animal (attack does not result in injury or death of the attacked animal)
[Tex. Penal Code Ann. § 42.091 (a), (b), (c)(1)]

Class A Misdemeanor (cont.)

Dog Fighting (causing a dog to fight with another dog; or owning or training a dog to be used in an exhibition of dog fighting)
[Tex. Penal Code Ann. § 42.10 (a)(1) and (5), (e)]

Destruction of Flag
[Tex. Penal Code Ann. § 42.11]

Discharge of Firearm in Certain Municipalities (by acting recklessly)
[Tex. Penal Code Ann. § 42.12 (a), (b)]

Prostitution (if previously convicted one or two times under this section)
[Tex. Penal Code Ann. § 43.02 (a), (c)]

Promotion of Prostitution
[Tex. Penal Code Ann. § 43.03]

Obscenity (by promoting or possessing with intent to promote obscene material or device; or by directing or participating in obscene performance)
[Tex. Penal Code Ann. § 43.23 (c), (d)]

Sale, Distribution, or Display of Harmful Material to Minor (other than by hiring, employing, or using a minor)
[Tex. Penal Code Ann. § 43.24 (b)(1) and (2), (d)]

Employment Harmful to Children
[Tex. Penal Code Ann. § 43.251 (b), (c)]

Class B Misdemeanor

Disorderly Conduct (discharging a firearm in certain public places; or displaying a firearm or deadly weapon in a public place to alarm)
[Tex. Penal Code Ann. § 42.01 (a)(7) and (a)(8), (d)]

Riot (not in furtherance of the purpose of the assembly; or involving an offense that should have been anticipated as a result of the assembly)
[Tex. Penal Code Ann. § 42.02 (b), (e), (f)]

Note on Enhancement:

An offense in furtherance of the purpose of the assembly and an anticipated offense resulting from the assembly are punished one grade higher than an offense committed by anyone engaged in the riot.

Obstructing Highway or Other Passageway
[Tex. Penal Code Ann. § 42.03]

Disrupting Meeting or Procession
[Tex. Penal Code Ann. § 42.05]

Funeral Service Disruptions
[Tex. Penal Code Ann. § 42.055]
*effective date May 19, 2006

Silent or Abusive Calls to 9-1-1 Service
[Tex. Penal Code Ann. § 42.061]

Harassment
[Tex. Penal Code Ann. § 42.07 (a), (c)]

Class B Misdemeanor (cont.)

Prostitution (if not previously convicted under this section)
[Tex. Penal Code Ann. § 43.02 (a), (c)]

Class C Misdemeanor

Disorderly Conduct (not involving discharge of a firearm in certain public places; or display of a firearm or deadly weapon in a public place)
[Tex. Penal Code Ann. § 42.01 (a)(1-11), excluding (7) and (8), (d)]

Dog Fighting (by attending as a spectator)
[Tex. Penal Code Ann. § 42.10 (a)(6), (e)]

Use of Laser Pointers
[Tex. Penal Code Ann. § 42.13]

Obscene Display or Distribution
[Tex. Penal Code Ann. § 43.22]

**CLASSIFICATION OF TITLE 10.
OFFENSES AGAINST PUBLIC HEALTH, SAFETY & MORALS
TEXAS PENAL CODE**

Offenses Against Public Health, Safety, and Morals include Weapons, Gambling, and Conduct Affecting Public Health.

Classification	Offense
Capital Felony	none
First Degree Felony	none
Second Degree Felony	Intoxication Manslaughter [Tex. Penal Code Ann. § 49.08]
Third Degree Felony	<p>Unlawful Carrying Weapons (committed on any premises licensed for the sale of alcoholic beverages) [Tex. Penal Code Ann. § 46.02 (a), (c)]</p> <p>Places Weapons Prohibited (by possessing a weapon in a prohibited place) [Tex. Penal Code Ann. § 46.03 (a), (g)]</p> <p>Unlawful Carrying of Handgun by License Holder (committed on premises licensed for alcoholic beverages; or on premises of a correctional facility) [Tex. Penal Code Ann. § 46.035 (b)(1) and (3), (g)]</p> <p>Unlawful Possession of Firearm (by a convicted felon) [Tex. Penal Code Ann. § 46.04 (a), (e)]</p> <p>Unlawful Possession of Metal or Body Armor by Felon [Tex. Penal Code Ann. § 46.041]</p> <p>Prohibited Weapons (not involving a switchblade knife or knuckles) [Tex. Penal Code Ann. § 46.05 (a)(1)-(4), (7)-(9), (e)]</p> <p>Components of Explosives [Tex. Penal Code Ann. § 46.09]</p> <p>Deadly Weapon in Penal Institution [Tex. Penal Code Ann. § 46.10 (a), (d)]</p> <p><i>Note on Enhancement:</i> Penalty if Offense Committed Within Weapon-Free School Zone (punishment for Chapter 46 weapons offenses is increased to the next higher category for offenses committed in a place the actor knew was within 300 feet of a school, at a school function, or at a University Interscholastic League event) [Tex. Penal Code Ann. § 46.11]</p>

Third Degree Felony (cont.)

Driving While Intoxicated (two previous convictions under this section; or one previous conviction under § 49.08 or similar offense under the laws of another state)
[Tex. Penal Code Ann. § 49.04 (a); 49.09 (b), (e)]

Flying While Intoxicated (two previous convictions under this section; or one previous conviction under § 49.08 or similar offense under the laws of another state)
[Tex. Penal Code Ann. § 49.05 (a); 49.09 (b), (e)]

Boating While Intoxicated (two previous convictions under this section; or one previous conviction under § 49.08 or similar offense under the laws of another state)
[Tex. Penal Code Ann. § 49.06 (a); 49.09 (b), (e)]

Assembling or Operating an Amusement Ride While Intoxicated (two previous convictions under this section; or one previous conviction under § 49.08 or similar offense under the laws of another state)
[Tex. Penal Code Ann. § 49.065 (a); 49.09 (b), (e)]

Intoxication Assault
[Tex. Penal Code Ann. § 49.07 (a), (c)]

State Jail Felony

Unlawful Transfer of Certain Weapons (if weapon is a handgun)
[Tex. Penal Code Ann. § 46.06 (a)(2), (d)]

Driving While Intoxicated with a Child Passenger
[Tex. Penal Code Ann. § 49.045]

Class A Misdemeanor

Unlawful Carrying of Weapons (not committed on premises licensed for the sale of alcoholic beverages)
[Tex. Penal Code Ann. § 46.02 (a), (b)]

Unlawful Carrying of Handgun by License Holder (not committed on premises licensed for alcoholic beverages; or on premises of a correctional facility)
[Tex. Penal Code Ann. § 46.035 (a), (b)(2), (4), (5), (6), (c), (d) (e), (g)]

Unlawful Possession of Firearm (if convicted of assault involving family violence or subject to a protective order)
[Tex. Penal Code Ann. § 46.04 (b), (c), (e)]

Prohibited Weapons (involving a switchblade knife or knuckles)
[Tex. Penal Code Ann. § 46.05 (a)(5) and (6), (e)]

Unlawful Transfer of Certain Weapons (if weapon is not a handgun)
[Tex. Penal Code Ann. § 46.06 (a), (d)]

Hoax Bomb
[Tex. Penal Code Ann. § 46.08]

Class A Misdemeanor (cont.) Making a Firearm Accessible to a Child (if child discharges firearm and causes death or serious bodily injury)
[Tex. Penal Code Ann. § 46.13 (b), (e)]

Note on Enhancement: Penalty if Offense Committed Within Weapon-Free School Zone (punishment for Chapter 46 weapons offenses is increased to the next higher category for offenses committed in a place the actor knew was within 300 feet of a school, at a school function, or at a University Interscholastic League event)
[Tex. Penal Code Ann. § 46.11]

Gambling Promotion
[Tex. Penal Code Ann. § 47.03]

Keeping a Gambling Place
[Tex. Penal Code Ann. § 47.04]

Communicating Gambling Information
[Tex. Penal Code Ann. § 47.05]

Possession of Gambling Device, Equipment, or Paraphernalia
[Tex. Penal Code Ann. § 47.06 (a), (b), (c), (e)]

Prohibitions Relating to Certain Cigarettes
[Tex. Penal Code Ann. § 48.015]

Prohibition of the Purchase and Sale of Human Organs
[Tex. Penal Code Ann. § 48.02]

Driving While Intoxicated (if previously convicted under this section; with a possible minimum 30 days confinement)
[Tex. Penal Code Ann. § 49.04 (a); 49.09 (a), (e)]

Flying While Intoxicated (if previously convicted under this section, with a possible minimum 30 days confinement)
[Tex. Penal Code Ann. § 49.05 (a); 49.09 (a), (e)]

Boating While Intoxicated (if previously convicted under this section; with a possible minimum 30 days confinement)
[Tex. Penal Code Ann. § 49.06(a); 49.09 (a), (e)]

Assembling or Operating an Amusement Ride While Intoxicated (if previously convicted under this section; with a possible minimum 30 days confinement)
[Tex. Penal Code Ann. § 49.065; 49.09 (a), (e)]

Class B Misdemeanor Driving While Intoxicated (minimum 72 hours confinement; if open container, minimum six days confinement)
[Tex. Penal Code Ann. § 49.04]

Flying While Intoxicated (minimum 72 hours confinement)
[Tex. Penal Code Ann. § 49.05]

Class B Misdemeanor (cont.)	<p>Boating While Intoxicated (minimum 72 hours confinement) [Tex. Penal Code Ann. § 49.06]</p> <p>Assembling or Operating an Amusement Ride While Intoxicated (minimum 72 hours confinement) [Tex. Penal Code Ann. § 49.065]</p>
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Class C Misdemeanor	<p>Making a Firearm Accessible to a Child (not involving discharge of firearm causing death or serious bodily injury) [Tex. Penal Code Ann. § 46.13 (b), (d)]</p>
<i>Note on Enhancement:</i>	<p>Penalty if Offense Committed Within Weapon-Free School Zone (punishment for Chapter 46 weapons offenses is increased to the next higher category for offenses committed in a place the actor knew was within 300 feet of a school, at a school function, or at a University Interscholastic League event) [Tex. Penal Code Ann. § 46.11]</p> <p>Gambling [Tex. Penal Code Ann. § 47.02]</p> <p>Smoking Tobacco (in prohibited places) [Tex. Penal Code Ann. § 48.01]</p> <p>Public Intoxication [Tex. Penal Code Ann. § 49.02 (a), (c)]</p> <p>Possession of Alcoholic Beverage in Motor Vehicle [Tex. Penal Code Ann. § 49.031(b), (d); see also § 49.11(b), requiring proof of a culpable mental state]</p>

**TITLE 11. ORGANIZED CRIME:
CLASSIFICATION AND PUNISHMENT
TEXAS PENAL CODE**

Classification	Offense
Second Degree Felony	Soliciting Membership in a Criminal Street Gang (second or subsequent offense) [Tex. Penal Code Ann. § 71.022 (a), (c)]
Third Degree Felony	Soliciting Membership in a Criminal Street Gang [Tex. Penal Code Ann. § 71.022 (a), (b)]
Class A Misdemeanor	Violation of Court Order Enjoining Organized Criminal Activity [Tex. Penal Code Ann. § 71.021]
Offense	Punishment and Enhancement
Engaging in Organized Criminal Activity	Punishment for Engaging in Organized Criminal Activity is based upon the most serious offense committed. [Tex. Penal Code Ann. § 71.02 (a), (b)]
Committing an offense	Punishment for offenses committed under § 71.02 is one category higher than the most serious offense committed, except that felonies of the first degree remain the same. [Tex. Penal Code Ann. § 71.02 (b)]
Conspiring to commit an offense	Punishment for offenses conspired to be committed under § 71.02 is of the same degree as the most serious offense the actor conspired to commit. [Tex. Penal Code Ann. § 71.02 (c), (d)]

CLASSIFICATION OF CONTROLLED SUBSTANCE OFFENSES

HEALTH & SAFETY CODE

Classification	Offense
Capital Felony	none
First Degree Felony	<p>Manufacture or Delivery of Substance in Penalty Group 1 (four grams or more but less than 200 grams) [Tex. Health & Safety Code Ann. § 481.112 (a), (d)] [Tex. Health & Safety Code Ann. § 481.102, Penalty Group 1 listing]</p> <p>Manufacture or Delivery of Substance in Penalty Group 1 (200 grams or more but less than 400 grams; minimum sentence raised to 10 years and maximum fine not to exceed \$100,000) [Tex. Health & Safety Code Ann. § 481.112 (a), (e)]</p> <p>Manufacture or Delivery of Substance in Penalty Group 1 (400 grams or more; minimum sentence raised to 15 years and maximum fine not to exceed \$250,000) [Tex. Health & Safety Code Ann. § 481.112 (a), (f)]</p> <p>Manufacture or Delivery of Substance in Penalty Group 1-A (80 abuse units of the controlled substance or more but fewer than 4,000) [Tex. Health & Safety Code Ann. § 481.1121 (a), (b)(3)] [Tex. Health & Safety Code Ann. § 481.1021, Penalty Group 1-A listing]</p> <p>Manufacture or Delivery of Substance in Penalty Group 1-A (more than 4,000 abuse units; minimum sentence raised to 15 years and maximum fine not to exceed \$250,000) [Tex. Health & Safety Code Ann. § 481.1121 (a), (b)(4)]</p> <p>Manufacture or Delivery of Substance in Penalty Group 2 (four grams or more but less than 400 grams) [Tex. Health & Safety Code Ann. § 481.113 (a), (d)] [Tex. Health & Safety Code Ann. § 481.103, Penalty Group 2 listing]</p> <p>Manufacture of Substance in Penalty Group 2 (400 grams or more; minimum sentence raised to 10 years and maximum fine not to exceed \$100,000) [Tex. Health & Safety Code Ann. § 481.113 (a), (e)]</p> <p>Manufacture or Delivery of Substance in Penalty Group 3 or 4 (200 grams or more but less than 400 grams) [Tex. Health & Safety Code Ann. § 481.114 (a), (d)] [Tex. Health & Safety Code Ann. § 481.104, Penalty Group 3 listing and § 481.105, Penalty Group 4 listing]</p>

First Degree Felony (cont.)

Manufacture of Substance in Penalty Group 3 or 4 (400 grams or more; minimum sentence raised to 10 years and maximum fine not to exceed \$100,000)

[Tex. Health & Safety Code Ann. § 481.114 (a), (e)]

Possession of Substance in Penalty Group 1 (200 grams or more but less than 400 grams)

[Tex. Health & Safety Code Ann. § 481.115 (a), (e)]

Possession of Substance in Penalty Group 1 (400 grams or more; minimum sentence raised to 10 years and maximum fine not to exceed \$100,000)

[Tex. Health & Safety Code Ann. § 481.115 (a), (f)]

Possession of Substance in Penalty Group 1-A (4,000 abuse units or more but fewer than 8,000)

[Tex. Health & Safety Code Ann. § 481.1151 (a), (b)(4)]

Possession of Substance in Penalty Group 1-A (8,000 abuse units or more; minimum sentence raised to 15 years and maximum fine not to exceed \$250,000)

[Tex. Health & Safety Code Ann. § 481.1151 (a), (b)(5)]

Possession of Substance in Penalty Group 2 (400 grams or more; maximum fine not to exceed \$50,000)

[Tex. Health & Safety Code Ann. § 481.116 (a), (e)]

Possession of Substance in Penalty Group 3 (400 grams or more; maximum fine not to exceed \$50,000)

[Tex. Health & Safety Code Ann. § 481.118 (a), (e)]

Possession of Substance in Penalty Group 4 (400 grams or more; maximum fine not to exceed \$50,000)

[Tex. Health & Safety Code Ann. § 481.118 (a), (e)]

Delivery of Marihuana (2,000 pounds or less but more than 50 pounds)

[Tex. Health & Safety Code Ann. § 481.120 (a), (b)(5)]

Delivery of Marihuana (more than 2,000 pounds; minimum sentence raised to 10 years and maximum fine not to exceed \$100,000)

[Tex. Health & Safety Code Ann. § 481.120 (a), (b)(6)]

Possession of Marijuana (more than 2,000 pounds; maximum fine not to exceed \$50,000)

[Tex. Health & Safety Code Ann. § 481.121 (a), (b)(6)]

Illegal Barter, Expenditure, or Investment

[Tex. Health & Safety Code Ann. § 481.126 (a)(1) and (3), (b)]

First Degree Felony (cont.)

Use of Child in Commission of Offense (defendant used or threatened to use force against child or another to gain child's assistance in certain manufacture or delivery cases under §§ 481.112, 481.1121, 481.113, 481.114, 481.120, or 481.122)
[Tex. Health & Safety Code Ann. § 481.140 (a)]

Second Degree Felony

Manufacture or Delivery of Substance in Penalty Group 1 (one gram or more but less than four grams)

[Tex. Health & Safety Code Ann. § 481.112 (a), (c)]

Manufacture or Delivery of Substance in Penalty Group 1-A (20 abuse units or more but fewer than 80)

[Tex. Health & Safety Code Ann. § 481.1121 (a), (b)(2)]

Manufacture or Delivery of Substance in Penalty Group 2 (one gram or more but less than four grams)

[Tex. Health & Safety Code Ann. § 481.113 (a), (c)]

Manufacture or Delivery of Substance in Penalty Group 3 or 4 (28 grams or more but less than 200 grams)

[Tex. Health & Safety Code Ann. § 481.114 (a), (c)]

Possession of Substance in Penalty Group 1 (four grams or more but less than 200 grams)

[Tex. Health & Safety Code Ann. § 481.115 (a), (d)]

Possession of Substance in Penalty Group 1-A (80 abuse units or more but fewer than 4,000)

[Tex. Health & Safety Code Ann. § 481.1151 (a), (b)(3)]

Possession of Substance in Penalty Group 2 (four grams or more but less than 400 grams)

[Tex. Health & Safety Code Ann. § 481.116 (a), (d)]

Possession of Substance in Penalty Group 3 (200 grams or more but less than 400 grams)

[Tex. Health & Safety Code Ann. § 481.117 (a), (d)]

Possession of Substance in Penalty Group 4 (200 grams or more but less than 400 grams)

[Tex. Health & Safety Code Ann. § 481.118 (a), (d)]

Delivery of Marihuana (50 pounds or less but more than five pounds)

[Tex. Health & Safety Code Ann. § 481.120 (a), (b)(4)]

Possession of Marihuana (2,000 pounds or less but more than 50 pounds)

[Tex. Health & Safety Code Ann. § 481.121 (a), (b)(5)]

Delivery of Controlled Substance or Marihuana to Child

[Tex. Health & Safety Code Ann. § 481.122 (a), (c)]

Second Degree Felony (cont.)	<p>Possession or Transport of Certain Chemicals with Intent to Manufacture Controlled Substance (for substances listed in Penalty Group 1 or 1-A) [Tex. Health & Safety Code Ann. § 481.124 (a), (d)(1)]</p> <p>Illegal Barter, Expenditure, or Investment [Tex. Health & Safety Code Ann. § 481.126 (a)(2) and (4), (b)]</p> <p>Fraud (fraudulently distributing or using a Schedule I or II controlled substance) [Tex. Health & Safety Code Ann. § 481.129 (a), (d)(1)]</p> <p>Fraud (delivery of prescription form or prescription for a Schedule II controlled substance) [Tex. Health & Safety Code Ann. § 481.129 (c)(1), (f)(1)]</p>
<i>Note on Enhancement:</i>	<p>Drug-Free Zones (for offenses punishable as second degree felonies under §§ 481.112, 481.113, 481.114, or 481.120, punishment is increased to a felony of the first degree) [Tex. Health & Safety Code Ann. § 481.134 (b)]</p>
<i>Note on Enhancement:</i>	<p>Use of Child in Commission of Offense (for offenses punishable as second degree felonies under §§ 481.112, 481.1121, 481.113, 481.114, 481.120, or 481.122, punishment is increased to a felony of the first degree) [Tex. Health & Safety Code Ann. § 481.140 (a)]</p>
<i>Note on Enhancement:</i>	<p>Manufacture or Delivery of Controlled Substance Causing Death or Serious Bodily Injury (for offenses punishable as second degree felonies under §§ 481.112, 481.1121, 481.113, 481.114, or 481.122, punishment is increased to a felony of the first degree) [Tex. Health & Safety Code Ann. § 481.141 (a), (b)]</p>
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Third Degree Felony	<p>Possession of Substance in Penalty Group 1 (one gram or more but less than four grams) [Tex. Health & Safety Code Ann. § 481.115 (a), (c)]</p> <p>Possession of Substance in Penalty Group 1-A (20 abuse units or more but fewer than 80) [Tex. Health & Safety Code Ann. § 481.1151 (a), (b)(2)]</p> <p>Possession of Substance in Penalty Group 2 (one gram or more but less than four grams) [Tex. Health & Safety Code Ann. § 481.116 (a), (c)]</p> <p>Possession of Substance in Penalty Group 3 (28 grams or more but less than 200 grams) [Tex. Health & Safety Code Ann. § 481.117 (a), (c)]</p> <p>Possession of Substance in Penalty Group 4 (28 grams or more but less than 200 grams) [Tex. Health & Safety Code Ann. § 481.118 (a), (c)]</p>

Third Degree Felony (cont.)

Possession of Marihuana (50 pounds or less but more than five pounds)

[Tex. Health & Safety Code Ann. § 481.121 (a), (b)(4)]

Possession or Transport of Certain Chemicals with Intent to Manufacture Controlled Substance (for substances listed in Penalty Group 2)

[Tex. Health & Safety Code Ann. § 481.124 (a), (d)(2)]

Possession or Transport of Anhydrous Ammonia; Use of or Tampering with Equipment

[Tex. Health & Safety Code Ann. § 481.1245]

Fraud (fraudulently distributing or using a Schedule III or IV controlled substance)

[Tex. Health & Safety Code Ann. § 481.129 (a), (d)(2)]

Fraud (delivery of prescription form or prescription for a Schedule III, IV or V controlled substance)

[Tex. Health & Safety Code Ann. § 481.129 (c)(1), (f)(2)]

Drug-Free Zones (for offenses under §§ 481.112(b), 481.113(b), 481.114(b), 481.115(b), 481.116(b), 481.120(b)(3), 481.121(b)(3) if committed within 1,000 feet of school or youth center property, or on a school bus)

[Tex. Health & Safety Code Ann. § 481.134 (d)]

Unlawful Transfer or Receipt of Chemical Precursor (if previously convicted under this section)

[Tex. Health & Safety Code Ann. § 481.136]

Transfer of Precursor Substance for Unlawful Manufacture

[Tex. Health & Safety Code Ann. § 481.137]

Unlawful Transfer or Receipt of Chemical Laboratory Apparatus (if previously convicted under this section)

[Tex. Health & Safety Code Ann. § 481.138]

Transfer of Chemical Laboratory Apparatus for Unlawful Manufacture

[Tex. Health & Safety Code Ann. § 481.139]

Delivery of Volatile Chemicals to a Minor (if committed within 1,000 feet of a school or playground, on a school bus, or within 300 feet of a youth center, public pool, or video arcade)

[Tex. Health & Safety Code Ann. § 484.005 (a), (f)]

State Jail Felony

Manufacture or Delivery of Substance in Penalty Group 1 (less than one gram)

[Tex. Health & Safety Code Ann. § 481.112 (a), (b)]

Manufacture or Delivery of Substance in Penalty Group 1-A (fewer than 20 abuse units)

[Tex. Health & Safety Code Ann. § 481.1121 (a), (b)(1)]

State Jail Felony (cont.)

Manufacture or Delivery of Substance in Penalty Group 2 (less than one gram)

[Tex. Health & Safety Code Ann. § 481.113 (a), (b)]

Manufacture or Delivery of Substance in Penalty Group 3 or 4 (less than 28 grams)

[Tex. Health & Safety Code Ann. § 481.114 (a), (b)]

Possession of Substance in Penalty Group 1 (less than one gram)

[Tex. Health & Safety Code Ann. § 481.115 (a), (b)]

Possession of Substance in Penalty Group 1-A (fewer than 20 abuse units)

[Tex. Health & Safety Code Ann. § 481.1151 (a), (b)(1)]

Possession of Substance in Penalty Group 2 (less than one gram)

[Tex. Health & Safety Code Ann. § 481.116 (a), (b)]

Delivery of Marihuana (five pounds or less but more than one-fourth ounce)

[Tex. Health & Safety Code Ann. § 481.120 (a), (b)(3)]

Possession of Marihuana (five pounds or less but more than four ounces)

[Tex. Health & Safety Code Ann. § 481.121 (a), (b)(3)]

Possession or Transport of Certain Chemicals with Intent to Manufacture Controlled Substance (for substances listed in Penalty Group 3 or 4)

[Tex. Health & Safety Code Ann. § 481.124 (a), (d)(3)]

Possession or Delivery of Drug Paraphernalia (actor is 18 or older and person who receives or is intended to receive paraphernalia is younger than 18 and at least three years younger than actor)

[Tex. Health & Safety Code Ann. § 481.125 (c), (f)]

Unauthorized Disclosure of Information

[Tex. Health & Safety Code Ann. § 481.127]

Commercial Matters (for knowing acts; if act is negligent, a civil penalty of not more than \$1,000 for each act may be imposed)

[Tex. Health & Safety Code Ann. § 481.128 (a), (c), (d)]

Fraud (possession of prescription form or prescription for a Schedule II or III controlled substance)

[Tex. Health & Safety Code Ann. § 481.129 (c)(2), (g)(1)]

Diversion of Controlled Substance Property or Plant

[Tex. Health & Safety Code Ann. § 481.131]

Drug-Free Zones (for offenses under §§ 481.117(b), 481.119(a), 481.120(b)(2), 481.121(b)(2), if committed within 1,000 feet of school or youth center property, or on a school bus)

[Tex. Health & Safety Code Ann. § 481.134 (e)]

State Jail Felony (cont.)	<p>Unlawful Transfer or Receipt of Chemical Precursor (if not previously convicted under this section or § 481.137) [Tex. Health & Safety Code Ann. § 481.136]</p> <p>Unlawful Transfer or Receipt of Chemical Laboratory Apparatus (if not previously convicted under this section) [Tex. Health & Safety Code Ann. § 481.138]</p> <p>Unlawful Delivery or Manufacture with Intent to Deliver [Tex. Health & Safety Code Ann. § 482.002 (a), (d)]</p> <p>Delivery or Offer of Delivery of Dangerous Drug [Tex. Health & Safety Code Ann. § 483.042 (a), (d)]</p> <p>Manufacture of Dangerous Drug [Tex. Health & Safety Code Ann. § 483.043]</p> <p>Delivery of Volatile Chemicals to a Minor (committed at a business establishment and actor is not an owner or employee of business) [Tex. Health & Safety Code Ann. § 484.005 (a), (e)(2)]</p> <p>Delivery of Abusable Volatile Chemicals to a Minor [Tex. Health & Safety Code Ann. § 485.032 (a), (d)]</p>
<i>Note:</i>	This offense may be a Class A or B Misdemeanor, depending on whether the defendant had a sales permit, tax permit, or previous conviction.
<i>Note on Enhancement:</i>	Drug-Free Zones (for offenses punishable as state jail felonies under §§ 481.112, 481.113, 481.114, or 481.120, punishment is increased to felony of the third degree) [Tex. Health & Safety Code Ann. § 481.134 (b)]
<i>Note on Enhancement:</i>	Use of Child in Commission of Offense (for offenses punishable as state jail felonies under §§ 481.112, 481.1121, 481.113, 481.114, or 481.120, punishment is increased to felony of the third degree, unless defendant used or threatened to use force against a child or another to gain child's assistance, in which case the punishment is a felony of the first degree) [Tex. Health & Safety Code Ann. § 481.140 (a)]
<i>Note on Enhancement:</i>	Manufacture or Delivery of Controlled Substance Causing Death or Serious Bodily Injury (for offenses punishable as state jail felonies under §§ 481.112, 481.1121, 481.113, or 481.114, punishment is increased to a felony of the third degree) [Tex. Health & Safety Code Ann. § 481.141 (a), (b)]
<i>Community Supervision:</i>	<i>For offenses under sections 481.115(b), 481.1151(b)(1) (unless actor has more than 5 abuse units), 481.116(b), 481.121(b)(3) (unless actor has more than one pound of marijuana), or 481.129(g)(1), the judge shall suspend the sentence and place defendant on community supervision; if defendant previously convicted of a felony, judge has the option of ordering community supervision or executing sentence</i>

Class A Misdemeanor

Possession of Substance in Penalty Group 3 (less than 28 grams)
[Tex. Health & Safety Code Ann. § 481.117 (a), (b)]

Manufacture, Delivery, or Possession with Intent to Deliver
Miscellaneous Substances
[Tex. Health & Safety Code Ann. § 481.119 (a)]

Delivery of Marihuana (one-fourth ounce or less and receives
remuneration)
[Tex. Health & Safety Code Ann. § 481.120 (a), (b)(2)]

Possession of Marihuana (four ounces or less but more than two
ounces)
[Tex. Health & Safety Code Ann. § 481.121 (a), (b)(2)]

Possession or Transport of Certain Chemicals with Intent to
Manufacture Controlled Substance (for substance listed in a
Schedule but not in a Penalty Group)
[Tex. Health & Safety Code Ann. § 481.124 (a), (d)(4)]

Possession or Delivery of Drug Paraphernalia (delivering,
possessing with intent to deliver or manufacturing with intent to
deliver; punishable by confinement in jail for a term of not more
than one year or less than 90 days, if previously convicted under
Subsection (b) or (c))
[Tex. Health & Safety Code Ann. § 481.125 (b), (c), (e)]

Fraud (fraudulently distributing or using a Schedule V controlled
substance)
[Tex. Health & Safety Code Ann. § 481.129 (a), (d)(3)]

Fraud (manufacturing, delivering or possessing counterfeit
substance)
[Tex. Health & Safety Code Ann. § 481.129 (b), (e)]

Falsification of Drug Test Results (delivery or manufacture)
[Tex. Health & Safety Code Ann. § 481.133 (b), (e)]

Drug-Free Zones (for offenses under sections 481.118(b),
481.119(b), 481.120(b)(1), 481.121(b)(1); if committed within
1,000 feet of school or youth center property or on a school bus)
[Tex. Health & Safety Code Ann. § 481.134 (f)]

Possession of Dangerous Drug
[Tex. Health & Safety Code Ann. § 483.041]

Forging or Altering a Prescription for a Dangerous Drug (if
previously convicted under Chapter 483 of the Health & Safety
Code)
[Tex. Health & Safety Code Ann. § 483.045]

Class A Misdemeanor (cont.)

Failure to Retain Prescription (if previously convicted under Chapter 483 of the Health & Safety Code)

[Tex. Health & Safety Code Ann. § 483.046]

Refilling Prescription Without Authorization (if previously convicted under Chapter 483 of the Health & Safety Code)

[Tex. Health & Safety Code Ann. § 483.047]

Unauthorized Communication of Prescription (if previously convicted under Chapter 483 of the Health & Safety Code)

[Tex. Health & Safety Code Ann. § 483.048]

Failure to Maintain Records (if previously convicted under Chapter 483 of the Health & Safety Code)

[Tex. Health & Safety Code Ann. § 483.049]

Refusal to Permit Inspection (if previously convicted under Chapter 483 of the Health & Safety Code)

[Tex. Health & Safety Code Ann. § 483.050]

Using or Revealing Trade Secret (if previously convicted under Chapter 483 of the Health & Safety Code)

[Tex. Health & Safety Code Ann. § 483.051]

Violation of Other Provision (if previously convicted under Chapter 483 of the Health & Safety Code)

[Tex. Health & Safety Code Ann. § 483.052]

Delivery of Abusable Volatile Chemicals to a Minor (without proof of a volatile chemical sales permit and if not previously convicted under this section for an offense committed after January 1, 1988)

[Tex. Health & Safety Code Ann. § 485.032 (a), (f)]

Inhalant Paraphernalia for Volatile Chemicals (delivering, possessing with intent to deliver or sell, or manufacturing)

[Tex. Health & Safety Code Ann. § 485.033 (b), (c)]

Class B Misdemeanor

Possession of Substance in Penalty Group 4 (less than 28 grams)

[Tex. Health & Safety Code Ann. § 481.118 (a), (b)]

Manufacture, Delivery, or Possession of Miscellaneous Substances (possession)

[Tex. Health & Safety Code Ann. § 481.119 (b)]

Delivery of Marihuana (one-fourth ounce or less without remuneration)

[Tex. Health & Safety Code Ann. § 481.120 (a), (b)(1)]

Possession of Marihuana (two ounces or less)

[Tex. Health & Safety Code Ann. § 481.121 (a), (b)(1)]

Fraud (possession of prescription for a Schedule IV or V controlled substance)

[Tex. Health & Safety Code Ann. § 481.129 (c)(2), (g)(2)]

Class B Misdemeanor (cont.)

Falsification of Drug Test Results (using or possessing with intent to use)

[Tex. Health & Safety Code Ann. § 481.133 (a), (d)]

Forging or Altering a Prescription for a Dangerous Drug (if not previously convicted under Chapter 483 of the Health and Safety Code)

[Tex. Health & Safety Code Ann. § 483.045]

Failure to Retain Prescription (if not previously convicted under Chapter 483 of the Health and Safety Code)

[Tex. Health & Safety Code Ann. § 483.046]

Refilling Prescription Without Authorization (if not previously convicted under Chapter 483 of the Health & Safety Code)

[Tex. Health & Safety Code Ann. § 483.047]

Unauthorized Communication of Prescription (if not previously convicted under Chapter 483 of the Health & Safety Code)

[Tex. Health & Safety Code Ann. § 483.048]

Failure to Maintain Records (if not previously convicted under Chapter 483 of the Health & Safety Code)

[Tex. Health & Safety Code Ann. § 483.049]

Refusal to Permit Inspection (if not previously convicted under Chapter 483 of the Health & Safety Code)

[Tex. Health & Safety Code Ann. § 483.050]

Using or Revealing Trade Secret (if not previously convicted under Chapter 483 of the Health & Safety Code)

[Tex. Health & Safety Code Ann. § 483.051]

Violation of Other Provision (if not previously convicted under Chapter 483 of the Health & Safety Code)

[Tex. Health & Safety Code Ann. § 483.052]

Possession and Use of Abusable Volatile Chemicals

[Tex. Health & Safety Code Ann. § 485.031]

Delivery of Abusable Volatile Chemicals to a Minor (with proof of a volatile chemical sales permit for the location of the sale)

[Tex. Health & Safety Code Ann. § 485.032 (a), (e)]

Inhalant Paraphernalia for Abusable Volatile Chemical (using or possessing with intent to use)

[Tex. Health & Safety Code Ann. § 485.033 (a), (c)]

Sale of Abusable Volatile Chemical Without a Permit

[Tex. Health & Safety Code Ann. § 485.035]

Class C Misdemeanor

Possession or Delivery of Drug Paraphernalia (using or possessing with intent to use)

[Tex. Health & Safety Code Ann. § 481.125 (a), (d)]

Class C Misdemeanor (cont.)

Failure to Post Sign for Abusable Volatile Chemicals
[Tex. Health & Safety Code Ann. § 485.034]

Note on Enhancement:

Drug-Free Zones (if offense is committed within 1,000 feet of school or youth center or on a school bus, minimum sentence is increased by five years and maximum fine is doubled; pertains to sections:

481.112 (c), (d), (e), (f),

481.113 (c), (d), (e),

481.114 (c), (d), (e),

481.115 (c), (d), (e), (f),

481.116 (c), (d), (e),

481.117 (c), (d), (e),

481.118 (c), (d), (e),

481.120 (b)(4), (5), and (6) and,

481.121 (b)(4), (5), and (6)

[Tex. Health & Safety Code Ann. § 481.134 (b) and (c)]

LIFE IMPRISONMENT AS POSSIBLE PUNISHMENT FOR CONTROLLED SUBSTANCE OFFENSES

HEALTH & SAFETY CODE

Offense	Punishment
Manufacture or Delivery Substance in Penalty Group 1	(200 grams or more but less than 400 grams) [Tex. Health & Safety Code Ann. § 481.112 (a), (e)] Punishable by imprisonment for life or for a term of not more than 99 years or less than 10 years, and a fine not to exceed \$100,000.
Manufacture or Delivery Substance in Penalty Group 1	(400 grams or more) [Tex. Health & Safety Code Ann. § 481.112 (a), (f)] Punishable by imprisonment for life or for a term not more than 99 years or less than 15 years, and a fine not to exceed \$250,000.
Manufacture or Delivery Substance in Penalty Group 1-A	(4,000 abuse units or more) [Tex. Health & Safety Code Ann. § 481.1121 (a), (b)(4)] Punishable by imprisonment for life or for a term of not more than 99 years or less than 15 years, and a fine not to exceed \$250,000
Manufacture or Delivery Substance in Penalty Group 2	(400 grams or more) [Tex. Health & Safety Code Ann. § 481.113 (a), (e)] Punishable by imprisonment for life or for a term not more than 99 years or less than 10 years, and a fine not to exceed \$100,000.
Manufacture or Delivery Substance in Penalty Group 3 or 4	(400 grams or more) [Tex. Health & Safety Code Ann. § 481.114 (a), (e)] Punishable by imprisonment for life or for a term of not more than 99 years or less than 10 years, and a fine not to exceed \$100,000.
Possession Substance in Penalty Group 1	(400 grams or more) [Tex. Health & Safety Code Ann. § 481.115 (a), (f)] Punishable by imprisonment for life or for a term not more than 99 years or less than 10 years, and a fine not to exceed \$100,000.
Possession Substance in Penalty Group 1-A	(8,000 abuse units or more) [Tex. Health & Safety Code Ann. § 481.1151 (a), (b)(5)] Punishable by imprisonment for life or for a term of not more than 99 years or less than 15 years, and a fine not to exceed \$250,000.
Possession Substance in Penalty Group 2	(400 grams or more) [Tex. Health & Safety Code Ann. § 481.116 (a), (e)] Punishable by imprisonment for life or for a term of not more than 99 years or less than five years, and a fine not to exceed \$50,000.
Possession Substance in Penalty Group 3	(400 grams or more) [Tex. Health & Safety Code Ann. § 481.117 (a), (e)] Punishable by imprisonment for life or for a term of not more than 99 years or less than five years, and a fine not to exceed \$50,000.

Possession Substance in Penalty Group 4	(400 grams or more) [Tex. Health & Safety Code Ann. § 481.118 (a), (e)] Punishable by imprisonment for life or for a term of not more than 99 years or less than five years, and a fine not to exceed \$50,000.
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Delivery of Marijuana	(more than 2,000 pounds) [Tex. Health & Safety Code Ann. § 481.120 (a), (b)(6)] Punishable by imprisonment for life or for a term of not more than 99 years or less than 10 years, and a fine not to exceed \$100,000.
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Possession of Marijuana	(more than 2,000 pounds) [Tex. Health & Safety Code Ann. § 481.121 (a), (b)(6)] Punishable by imprisonment for life or for a term of not more than 99 years or less than five years, and a fine not to exceed \$50,000.
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TITLE 3. PROGRESSIVE SANCTIONS MODEL
FAMILY CODE

LEVEL ONE

[Tex. Family Code § 59.004]

Triggers for Level One Sanctions:

- Conduct Indicating a Need for Supervision (CINS), other than conduct described in § 51.03 (b)(5) (conduct violating a school district's written code of conduct for which a child has been expelled) or a Class A or Class B misdemeanor
- Child referred to a juvenile probation department under § 53.012 of the Juvenile Justice Code, where the child is not adjudicated

Recommended Sanctions:

The juvenile court may:

- Require that the child attend counseling for his or her conduct
- Inform child of possible sanctions for future offenses
- Inform parent of responsibility to impose restrictions on child
- Provide child and family with information on obtaining needed social services
- Require child or parents to participate in early youth intervention services (STAR - Services To At-Risk Youth), if the program is available
- Refer child to a community-based citizen intervention program approved by the juvenile court (for example: a juvenile court mentoring program that uses citizen volunteers)
- Release child to parent or guardian

Completion:

Child is discharged from the custody of the probation department after provisions are met.

LEVEL TWO

[Tex. Family Code § 59.005]

Triggers for Level Two Sanctions:

- Conduct Indicating a Need for Supervision (CINS) under § 51.03 (b)(5), a Class A or B misdemeanor, other than a misdemeanor involving the use or possession of a firearm, or delinquent conduct under § 51.03 (a)(2)
- Subsequent offense for conduct that was a violation of a penal law and was punishable under sanction level one
- Deferred prosecution under § 53.03 of the Juvenile Justice Code
- Expulsion from an alternative education program (AEP) for serious or persistent misbehavior under § 37.007 (c) of the Education Code

Recommended Sanctions:

The juvenile court may:

- Place child on deferred prosecution for not less than three or more than six months
- Require child to make restitution to victim or perform community service restitution appropriate to offense and child's ability
- Require parent or guardian to identify restrictions they will impose on child's activities and behavior
- Provide child and family with information on obtaining needed social services
- Inform child of possible sanctions for future offenses
- Require child or parents to participate in early youth intervention services (STAR - Services to At-Risk Youth), if such a program is available
- Refer child to community-based citizen intervention program approved by the juvenile court (for example: a juvenile court mentoring program that uses citizen volunteers)
- Impose additional conditions of probation, if appropriate

Completion:

Child is discharged from the custody of the probation department on the date the sanctions are met or on child's 18th birthday, whichever is earlier.

LEVEL THREE

[Tex. Family Code § 59.006]

Triggers for Level Three Sanctions:

- Misdemeanor involving the use or possession of a firearm
- State Jail Felony
- Third Degree Felony
- Two or more subsequent offenses for conduct that was a violation of the penal laws and was classified at a lower level than a previous offense (for example: two subsequent offenses punishable under sanction level one, but previous offense was for sanction level two)
- Subsequent offense for conduct that was a violation of a penal law and was punishable under sanction level two

Recommended Sanctions:

The juvenile court may:

- Order probation for not less than six or more than 12 months
- Require child to make restitution to victim or perform community service restitution appropriate to offense and child's ability
- Impose specific restrictions on child's activities and requirements for child's behavior
- Require child's activities and behavior to be closely monitored by a probation officer
- Require child's and/or parents' participation in programs or services designated by the court or probation officer
- Impose additional conditions of probation, if appropriate

Completion:

Child is discharged from the custody of the probation department on the date the sanctions are met or on child's 18th birthday, whichever is earlier.

LEVEL FOUR

[Tex. Family Code § 59.007]

Trigger for Level Four Sanctions:

- Second Degree Felony
- Two or more subsequent offenses for conduct that was a violation of the penal laws and was classified at a lower level than a previous offense (for example: two subsequent offenses punishable under sanction level one or two, but previous offense was for sanction level three)
- Subsequent offense for conduct that was a violation of a penal law and was punishable under sanction level three

Recommended Sanctions:

The juvenile court may:

- Require no less than three or more than 12 months in an intensive services probation program as a condition of probation, emphasizing frequent contact and reporting with a probation officer, discipline, intensive supervision services, social responsibility and productive work
- After release from program, continue child on probation supervision
- Require child to make restitution to victim or perform community service restitution appropriate to the offense and child's ability
- Place highly structured restrictions on child's activities and requirements for child's behavior
- Require child to be closely monitored by a probation officer
- Require child's and/or parents' participation in programs or services, as needed
- Impose additional conditions of probation, if appropriate

Completion:

Child is discharged from the custody of the probation department on the date the sanctions are met or on child's 18th birthday, whichever is earlier.

LEVEL FIVE

[Tex. Family Code § 59.008]

Trigger for Level Five Sanctions:

- First Degree Felony, other than a felony involving the use of a deadly weapon or causing serious bodily injury
- Two or more subsequent offenses for conduct that was a violation of the penal laws and was classified at a lower level than a previous offense (for example: two subsequent offenses punishable under sanction level one, two, or three, but previous offense was for sanction level four)
- Subsequent offense for conduct that was a violation of a penal law and was punishable under sanction level four

Recommended Sanctions:

The juvenile court may:

- Require six to 12 months in a post-adjudication secure correctional facility
- After release, continue child on probationary supervision
- Require child to make restitution to victim or perform community service restitution appropriate to the offense and child's ability
- Place highly structured restrictions on child's activities and requirements for child's behavior

- Require child to be closely monitored by a probation officer
- Require child's and/or parents' participation in programs or services, as needed
- Impose additional sanctions, if appropriate

Completion:

Child is discharged from the custody of the probation department on the date the sanctions are met or on child's 18th birthday, whichever is earlier.

LEVEL SIX

[Tex. Family Code § 59.009]

Triggers for Level Six Sanctions:

- First Degree Felony involving the use of a deadly weapon or causing serious bodily injury
- Aggravated Controlled Substance Felony
- Capital Felony
- Two or more subsequent offenses for conduct that was a violation of the penal laws and classified at a lower level than a previous offense (for example: two subsequent offenses punishable under sanction level one, two, three, or four, but previous offense was for sanction level five)
- Subsequent offense for conduct that was a violation of a penal law and was punishable under sanction level five, unless the child's previously assigned sanction level is five and the child has not been adjudicated for delinquent conduct

Recommended Sanctions:

The juvenile court may commit child to the Texas Youth Commission (TYC), where the commission may impose the following:

- Require nine to 24 months in a highly structured residential program where the commission may extend the placement if appropriate (period may be extended if commission documents reason for extension)
- Require child to make restitution to victim or perform community service restitution appropriate to the offense and child's ability
- Require child's and/or parents' participation in programs or services, as needed
- Impose additional sanctions, if appropriate

On release, the Texas Youth Commission's parole program may:

- Require parole with highly structured restrictions on child's activities and requirements for child's behavior
- Impose not less than six months of parole supervision
- Impose other parole supervision conditions, if appropriate

Completion:

Child is discharged from the custody of the commission on the date the sanctions are met or on child's 19th birthday, whichever is earlier.

LEVEL SEVEN
[Tex. Family Code § 59.010]

Triggers for Level Seven Sanctions:

- First Degree Felony involving the use of a deadly weapon or causing serious bodily injury
- Aggravated Controlled Substance Felony
- Capital felony
- Subsequent offense for conduct that was a violation of a penal law and was punishable under sanction level six, but only if the petition has been approved by a grand jury (determinate sentencing petition under § 53.045 of the Family Code)

Recommended Sanctions:

The juvenile court may certify the child and transfer the case to adult criminal court or commit the child to the Texas Youth Commission (TYC), where the commission may impose the following:

- Require 12 months to ten years in a highly structured residential program (period may be extended if commission documents reason for extension)
- Require child to make restitution to victim or perform community service restitution appropriate to the offense and child's ability
- Require child's and/or parents' participation in programs or services, as needed
- Impose additional sanctions, if appropriate

On release from supervision, the commission's parole program may:

- Require parole with highly structured restrictions on child's activities and requirements for child's behavior
- Impose parole supervision for not less than 12 months
- Impose other parole supervision conditions, if appropriate

Completion:

No completion restrictions are specified in the statute.

JUVENILE CRIME INTERVENTION RESOURCES

Other publications and services available from Juvenile Crime Intervention:

- *Gangs 101*
(gang awareness training for parents and other adults who work with youth)
- *Gangs and Community Response*
(brochure available in English and Spanish)
- *Gangs in Texas: An Overview*
(gang report based on statewide survey of law enforcement and prosecutors)
- *Index of Juvenile Justice Opinions of the Attorney General*
(only available on the Attorney General's Web site at www.oag.state.tx.us)
- *Penal Code Offenses by Punishment Range*
(only available on the Attorney General's Web site at www.oag.state.tx.us)
- *School Crime and Discipline Handbook*
(a practical reference guide to Texas education law)
- *Juvenile Justice Handbook*
(a practical reference guide to Texas juvenile law)
- *Searchable Program Catalog*
(interactive database of prevention and intervention resources for youth and their families, available on the Attorney General's Web site at www.oag.state.tx.us under Criminal Justice)

For More Information, Contact:

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