

SIMPLIFIED STATUTES

Texas Laws Made Easy



2025 Criminal Code



Blue to Gold
Publications

Simplified Statutes

TEXAS LAWS MADE EASY
2025 CRIMINAL CODE



Blue to Gold Publications

Blue to Gold Law Enforcement Training, LLC
SPOKANE, WASHINGTON

Copyright © 2025 by Blue to Gold Publications

All rights reserved. No part of this publication may be reproduced, distributed or transmitted in any form or by any means, including photocopying, recording, or other electronic or mechanical methods, without the prior written permission of the publisher, except in the case of brief quotations embodied in critical reviews and certain other noncommercial uses permitted by copyright law. For permission requests, write to the publisher, addressed "Attention: Permissions Coordinator," at the address below.

Blue to Gold, LLC
12402 N Division St #119 Spokane, WA 99218
info@bluetogold.com
www.bluetogold.com

Ordering Information:

Quantity sales. Special discounts are available on quantity purchases by government agencies, police associations, and others.
For details, contact us at the address above.

Simplified Statutes: Texas Laws Made Easy
ISBN 979-8289789303
Last updated 07-24-2025

BLUE TO GOLD SEARCH & SEIZURE CASE LAW MADE SIMPLE

When officers aren't sure of the law, things can go wrong—fast. That's where Blue to Gold steps in. We make complex legal concepts simple, relatable, and easy to remember. Our high-energy training helps street cops know exactly what they can (and can't) do—so they make the right call, every time.



Zach Miller

Atty. John Wiehn

Atty. Anthony Bandiero

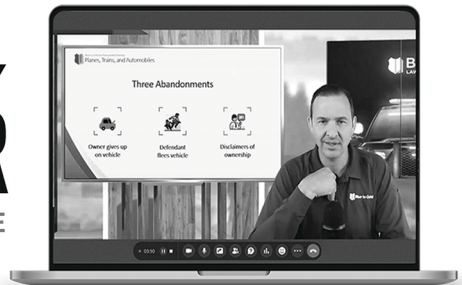
Mike Boone

Atty. Chris McFarlin

VISIT **BLUETOOGOLD.COM**

JOIN OUR WEEKLY
FREE WEBINAR

VISIT: [BLUETOOGOLD.COM/FREE](https://bluetogold.com/free)

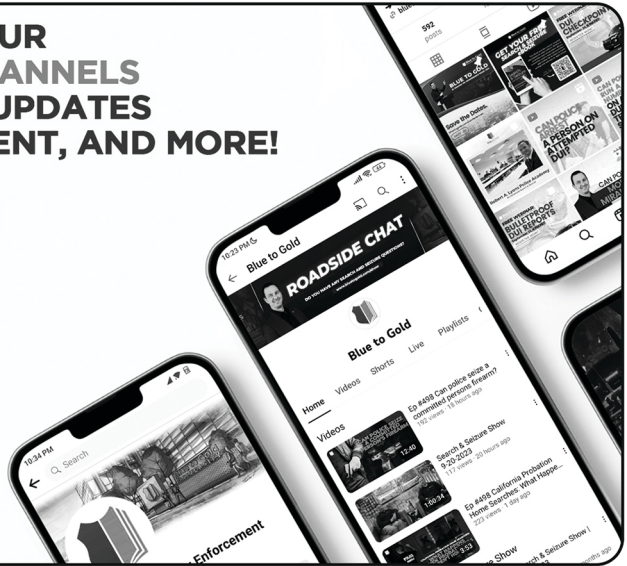


Topics Include

- Consent Searches
- Plain View & Plain Feel
- Community Caretaking
- Interview & Interrogation
- Drones, LPRs, & Pole Cam
- Terry Stops & Patdowns
- Constructive Possessions
- Traffic Stops and K9's
- And a lot more...

**FOLLOW US ON OUR
SOCIAL MEDIA CHANNELS
FOR THE LATEST UPDATES
EXCLUSIVE CONTENT, AND MORE!**

Scan the QR code below



 @Bluetogold

**CHECK OUT OVER
1000+ VIDEOS**

Answering your
search & seizure questions



**HAVE SEARCH AND SEIZURE
QUESTIONS?**

visit: bluetogold.com/show

Table of Contents

TITLE 1 – GENERAL PROVISIONS..... 1

GENERAL PROVISIONS..... 2

SECTION 1.07. DEFINITIONS..... 2

SECTION 1.09. CONCURRENT JURISDICTION UNDER THIS CODE TO PROSECUTE OFFENSES
THAT INVOLVE STATE PROPERTY..... 4

TITLE 2 - GENERAL PRINCIPLES OF CRIMINAL RESPONSIBILITY 5

CULPABILITY GENERALLY 6

SECTION 6.02. REQUIREMENT OF CULPABILITY..... 6

SECTION 6.03. DEFINITIONS OF CULPABLE MENTAL STATES 6

SECTION 6.04. CAUSATION: CONDUCT AND RESULTS..... 7

CRIMINAL RESPONSIBILITY FOR CONDUCT OF ANOTHER..... 7

SECTION 7.01. PARTIES TO OFFENSES 7

SECTION 7.02. CRIMINAL RESPONSIBILITY FOR CONDUCT OF ANOTHER 7

SUBCHAPTER A. GENERAL PROVISIONS 8

SECTION 9.03. CONFINEMENT AS JUSTIFIABLE FORCE 8

SECTION 9.04. THREATS AS JUSTIFIABLE FORCE..... 8

SECTION 9.05. RECKLESS INJURY OF INNOCENT THIRD PERSON 8

SUBCHAPTER B. JUSTIFICATION GENERALLY 9

SECTION 9.21. PUBLIC DUTY 9

SECTION 9.22. NECESSITY10

SUBCHAPTER C. PROTECTION OF PERSONS 10

SECTION 9.31. SELF-DEFENSE.....10

SECTION 9.32. DEADLY FORCE IN DEFENSE OF PERSON11

SECTION 9.33. DEFENSE OF THIRD PERSON12

SECTION 9.34. PROTECTION OF LIFE OR HEALTH13

SUBCHAPTER D. PROTECTION OF PROPERTY 13

SECTION 9.41. PROTECTION OF ONE'S OWN PROPERTY13

SECTION 9.42. DEADLY FORCE TO PROTECT PROPERTY14

SECTION 9.43. PROTECTION OF THIRD PERSON'S PROPERTY14

SECTION 9.44. USE OF DEVICE TO PROTECT PROPERTY14

LAW ENFORCEMENT 15

SECTION 9.51. ARREST AND SEARCH	15
SECTION 9.52. PREVENTION OF ESCAPE FROM CUSTODY	16
SECTION 9.53. MAINTAINING SECURITY IN CORRECTIONAL FACILITY.....	17
SECTION 9.54. LIMITATION ON USE OF FORCE BY DRONE	17
SUBCHAPTER F. SPECIAL RELATIONSHIPS	18
SECTION 9.61. PARENT-CHILD	18
SECTION 9.62. EDUCATOR-STUDENT	18
SECTION 9.63. GUARDIAN-INCOMPETENT.....	18
TITLE 3 - PUNISHMENTS.....	19
PUNISHMENTS.....	20
(SUBCHAPTER D. EXCEPTIONAL SENTENCES)	20
SECTION 12.47. PENALTY IF OFFENSE COMMITTED BECAUSE OF BIAS OR PREJUDICE	20
SECTION 12.50. PENALTY IF OFFENSE COMMITTED IN DISASTER AREA OR EVACUATED AREA	20
SECTION 12.501. PENALTY FOR CERTAIN OFFENSES COMMITTED IN RETALIATION FOR OR ON ACCOUNT OF PERSON'S SERVICE OR STATUS AS PUBLIC SERVANT	21
SECTION 12.502. PENALTY IF OFFENSE COMMITTED ON PREMISES OF POSTSECONDARY EDUCATIONAL INSTITUTION.....	22
TITLE 4 - INCHOATE OFFENSES	23
PREPARATORY OFFENSES	24
SECTION 15.01. CRIMINAL ATTEMPT.....	24
SECTION 15.02. CRIMINAL CONSPIRACY	24
SECTION 15.03. CRIMINAL SOLICITATION	24
SECTION 15.031. CRIMINAL SOLICITATION OF A MINOR	25
SECTION 15.032. CHILD GROOMING	26
CRIMINAL INSTRUMENTS, INTERCEPTION OF WIRE OR ORAL COMMUNICATION, AND INSTALLATION OF TRACKING DEVICE	27
SECTION 16.01. UNLAWFUL USE OF CRIMINAL INSTRUMENT OR MECHANICAL SECURITY DEVICE	27
SECTION 16.02. UNLAWFUL INTERCEPTION, USE, OR DISCLOSURE OF WIRE, ORAL, OR ELECTRONIC COMMUNICATIONS.....	27
SECTION 16.03. UNLAWFUL USE OF PEN REGISTER OR TRAP AND TRACE DEVICE	28
SECTION 16.04. UNLAWFUL ACCESS TO STORED COMMUNICATIONS	29
SECTION 16.05. ILLEGAL DIVULGENCE OF PUBLIC COMMUNICATIONS	29
SECTION 16.06. UNLAWFUL INSTALLATION OF TRACKING DEVICE	30
TITLE 5 - OFFENSES AGAINST THE PERSON.....	31
CRIMINAL HOMICIDE	32
SECTION 19.02. MURDER	32
SECTION 19.03. CAPITAL MURDER.....	33

SECTION 19.04. MANSLAUGHTER	34
SECTION 19.05. CRIMINALLY NEGLIGENT HOMICIDE	35
SECTION 19.06. APPLICABILITY TO CERTAIN CONDUCT	35
KIDNAPPING, UNLAWFUL RESTRAINT, AND SMUGGLING OF PERSONS	36
SECTION 20.02. UNLAWFUL RESTRAINT	36
SECTION 20.03. KIDNAPPING	37
SECTION 20.04. AGGRAVATED KIDNAPPING	37
SECTION 20.05. SMUGGLING OF PERSONS	38
SECTION 20.06. CONTINUOUS SMUGGLING OF PERSONS.....	39
SECTION 20.07. OPERATION OF STASH HOUSE	40
TRAFFICKING OF PERSONS	41
SECTION 20A.01. DEFINITIONS	41
SECTION 20A.02. TRAFFICKING OF PERSONS	41
SEXUAL EXPLOITATION TRAFFICKING (THROUGH FORCE, FRAUD, OR COERCION):.....	42
SECTION 20A.03. CONTINUOUS TRAFFICKING OF PERSONS.....	43
SEXUAL OFFENSES.....	44
SECTION 21.01. DEFINITIONS	44
SECTION 21.02. CONTINUOUS SEXUAL ABUSE OF YOUNG CHILD OR DISABLED INDIVIDUAL	44
SECTION 21.07. PUBLIC LEWDNESS	45
SECTION 21.08. INDECENT EXPOSURE	46
SECTION 21.09. BESTIALITY.....	46
SECTION 21.11. INDECENCY WITH A CHILD	47
SECTION 21.12. IMPROPER RELATIONSHIP BETWEEN EDUCATOR AND STUDENT	47
SECTION 21.15. INVASIVE VISUAL RECORDING	48
SECTION 21.16. UNLAWFUL DISCLOSURE OR PROMOTION OF INTIMATE VISUAL MATERIAL	49
SECTION 21.165. UNLAWFUL PRODUCTION OR DISTRIBUTION OF CERTAIN SEXUALLY EXPLICIT VIDEOS	50
SECTION 21.17. VOYEURISM	50
SECTION 21.18. SEXUAL COERCION	51
SECTION 21.19. UNLAWFUL ELECTRONIC TRANSMISSION OF SEXUALLY EXPLICIT VISUAL MATERIAL	52
ASSAULTIVE OFFENSES.....	52
SECTION 22.01. ASSAULT	52
SECTION 22.011. SEXUAL ASSAULT	54
SECOND DEGREE FELONY (MAY BE ENHANCED TO FIRST DEGREE OR REDUCED TO STATE JAIL FELONY IN LIMITED CASES).....	54
SECTION 22.012. INDECENT ASSAULT	55
SECTION 22.02. AGGRAVATED ASSAULT	56
(b)(2) – VICTIM IS A PUBLIC SERVANT, WITNESS, OR OTHER PROTECTED PERSON:.....	56
SECTION 22.021. AGGRAVATED SEXUAL ASSAULT	57
SECTION 22.04. INJURY TO A CHILD, ELDERLY INDIVIDUAL, OR DISABLED INDIVIDUAL	58

SECTION 22.041. ABANDONING OR ENDANGERING A CHILD, ELDERLY INDIVIDUAL, OR DISABLED INDIVIDUAL	59
SECTION 22.05. DEADLY CONDUCT	61
SECTION 22.07. TERRORISTIC THREAT	61
SECTION 22.08. AIDING SUICIDE	62
SECTION 22.09. TAMPERING WITH CONSUMER PRODUCT	62
SECTION 22.10. LEAVING A CHILD IN A VEHICLE	63
SECTION 22.11. HARASSMENT BY PERSONS IN CERTAIN FACILITIES; HARASSMENT OF PUBLIC SERVANT	63

TITLE 6 - OFFENSES AGAINST THE FAMILY 65

OFFENSES AGAINST THE FAMILY 66

SECTION 25.01. BIGAMY	66
SECTION 25.02. PROHIBITED SEXUAL CONDUCT	66
SECTION 25.03. INTERFERENCE WITH CHILD CUSTODY	67
SECTION 25.031. AGREEMENT TO ABDUCT FROM CUSTODY.....	68
SECTION 25.04. ENTICING A CHILD	68
SECTION 25.05. CRIMINAL NONSUPPORT	68
SECTION 25.06. HARBORING RUNAWAY CHILD	69
SECTION 25.07. VIOLATION OF CERTAIN COURT ORDERS OR CONDITIONS OF BOND IN A FAMILY VIOLENCE, CHILD ABUSE OR NEGLECT, SEXUAL ASSAULT OR ABUSE, INDECENT ASSAULT, STALKING, OR TRAFFICKING CASE	69
SECTION 25.071. VIOLATION OF PROTECTIVE ORDER PREVENTING OFFENSE CAUSED BY BIAS OR PREJUDICE	71
SECTION 25.072. REPEATED VIOLATION OF CERTAIN COURT ORDERS OR CONDITIONS OF BOND IN FAMILY VIOLENCE, CHILD ABUSE OR NEGLECT, SEXUAL ASSAULT OR ABUSE, INDECENT ASSAULT, STALKING, OR TRAFFICKING CASE.....	71
SECTION 25.08. SALE OR PURCHASE OF CHILD.....	72
SECTION 25.081. UNREGULATED CUSTODY TRANSFER OF ADOPTED CHILD	72
SECTION 25.09. ADVERTISING FOR PLACEMENT OF CHILD	73
SECTION 25.10. INTERFERENCE WITH RIGHTS OF GUARDIAN OF THE PERSON.....	73
SECTION 25.11. CONTINUOUS VIOLENCE AGAINST THE FAMILY	74

TITLE 7 - OFFENSES AGAINST PROPERTY 75

ARSON, CRIMINAL MISCHIEF, AND OTHER PROPERTY DAMAGE OR DESTRUCTION 76

SECTION 28.02. ARSON	76
SECTION 28.03. CRIMINAL MISCHIEF	77
SECTION 28.04. RECKLESS DAMAGE OR DESTRUCTION.....	78
SECTION 28.07. INTERFERENCE WITH RAILROAD PROPERTY.....	79
SECTION 28.08. GRAFFITI	80
SECTION 28.09. DAMAGING CRITICAL INFRASTRUCTURE FACILITY	81

ROBBERY 82

SECTION 29.02. ROBBERY	82
SECTION 29.03. AGGRAVATED ROBBERY	82
BURGLARY AND CRIMINAL TRESPASS.....	83
SECTION 30.02. BURGLARY.....	83
SECTION 30.03. BURGLARY OF COIN-OPERATED OR COIN COLLECTION MACHINES	84
SECTION 30.04. BURGLARY OF VEHICLES	84
SECTION 30.05. CRIMINAL TRESPASS	85
SECTION 30.06. TRESPASS BY LICENSE HOLDER WITH A CONCEALED HANDGUN	87
SECTION 30.07. TRESPASS BY LICENSE HOLDER WITH AN OPENLY CARRIED HANDGUN.....	87
THEFT	89
SECTION 31.03. THEFT	89
SECTION 31.04. THEFT OF SERVICE.....	90
SECTION 31.05. THEFT OF TRADE SECRETS	92
SECTION 31.07. UNAUTHORIZED USE OF A VEHICLE.....	92
SECTION 31.11. TAMPERING WITH IDENTIFICATION NUMBERS	92
SECTION 31.12. THEFT OF OR TAMPERING WITH MULTICHANNEL VIDEO OR INFORMATION SERVICES	93
SECTION 31.13. MANUFACTURE, DISTRIBUTION, OR ADVERTISEMENT OF MULTICHANNEL VIDEO OR INFORMATION SERVICES DEVICE	94
SECTION 31.14. SALE OR LEASE OF MULTICHANNEL VIDEO OR INFORMATION SERVICES DEVICE	94
SECTION 31.15. POSSESSION, MANUFACTURE, OR DISTRIBUTION OF CERTAIN INSTRUMENTS USED TO COMMIT RETAIL THEFT.....	95
SECTION 31.16. ORGANIZED RETAIL THEFT	95
SECTION 31.17. UNAUTHORIZED ACQUISITION OR TRANSFER OF CERTAIN FINANCIAL INFORMATION.....	96
SECTION 31.18. CARGO THEFT	96
SECTION 31.19. THEFT OF PETROLEUM PRODUCT.....	97
SECTION 31.20. MAIL THEFT	98
SECTION 31.21. UNAUTHORIZED POSSESSION OF CATALYTIC CONVERTER	99
FORGERY.....	100
SECTION 32.21. FORGERY	100
SECTION 32.22. CRIMINAL SIMULATION	101
SECTION 32.23. TRADEMARK COUNTERFEITING.....	102
SECTION 32.24. STEALING OR RECEIVING STOLEN CHECK OR SIMILAR SIGHT ORDER	102
CREDIT	103
SECTION 32.31. CREDIT CARD OR DEBIT CARD ABUSE	103
SECTION 32.315. FRAUDULENT USE OR POSSESSION OF CREDIT CARD OR DEBIT CARD INFORMATION.....	105
SECTION 32.32. FALSE STATEMENT TO OBTAIN PROPERTY OR CREDIT OR IN THE PROVISION OF CERTAIN SERVICES	106

SECTION 32.33. HINDERING SECURED CREDITORS	106
SECTION 32.34. FRAUDULENT TRANSFER OF A MOTOR VEHICLE	107
SECTION 32.35. CREDIT CARD TRANSACTION RECORD LAUNDERING	108
OTHER DECEPTIVE PRACTICES	110
SECTION 32.41. ISSUANCE OF BAD CHECK OR SIMILAR SIGHT ORDER	110
SECTION 32.42. DECEPTIVE BUSINESS PRACTICES	110
SECTION 32.43. COMMERCIAL BRIBERY	112
SECTION 32.44. RIGGING PUBLICLY EXHIBITED CONTEST	112
SECTION 32.441. ILLEGAL RECRUITMENT OF AN ATHLETE	113
SECTION 32.45. MISAPPLICATION OF FIDUCIARY PROPERTY OR PROPERTY OF FINANCIAL INSTITUTION	114
SECTION 32.46. FRAUDULENT SECURING OF DOCUMENT EXECUTION	114
SECTION 32.47. FRAUDULENT DESTRUCTION, REMOVAL, OR CONCEALMENT OF WRITING	115
SECTION 32.48. SIMULATING LEGAL PROCESS	116
SECTION 32.49. REFUSAL TO EXECUTE RELEASE OF FRAUDULENT LIEN OR CLAIM	117
SECTION 32.50. DECEPTIVE PREPARATION AND MARKETING OF ACADEMIC PRODUCT	117
SECTION 32.51. FRAUDULENT USE OR POSSESSION OF IDENTIFYING INFORMATION	118
SECTION 32.52. FRAUDULENT, SUBSTANDARD, OR FICTITIOUS DEGREE	119
SECTION 32.53. EXPLOITATION OF CHILD, ELDERLY INDIVIDUAL, OR DISABLED INDIVIDUAL	119
SECTION 32.54. FRAUDULENT OR FICTITIOUS MILITARY RECORD	120
SECTION 32.55. FINANCIAL ABUSE OF ELDERLY INDIVIDUAL	120
COMPUTER CRIMES	121
SECTION 33.02. BREACH OF COMPUTER SECURITY	121
SECTION 33.021. ONLINE SOLICITATION OF A MINOR	122
SECTION 33.022. ELECTRONIC ACCESS INTERFERENCE	123
SECTION 33.023. ELECTRONIC DATA TAMPERING	124
SECTION 33.024. UNLAWFUL DECRYPTION	125
SECTION 33.05. TAMPERING WITH DIRECT RECORDING ELECTRONIC VOTING MACHINE ...	126
SECTION 33.07. ONLINE IMPERSONATION	127
TELECOMMUNICATIONS CRIMES	128
SECTION 33A.02. UNAUTHORIZED USE OF TELECOMMUNICATIONS SERVICE	128
SECTION 33A.03. MANUFACTURE, POSSESSION, OR DELIVERY OF UNLAWFUL TELECOMMUNICATIONS DEVICE	128
SECTION 33A.04. THEFT OF TELECOMMUNICATIONS SERVICE	129
SECTION 33A.05. PUBLICATION OF TELECOMMUNICATIONS ACCESS DEVICE	130
SECTION 33A.051. FALSE CALLER IDENTIFICATION INFORMATION DISPLAY	130
MONEY LAUNDERING	131
SECTION 34.02. MONEY LAUNDERING	131
INSURANCE FRAUD	132
SECTION 35.02. INSURANCE FRAUD	132

HEALTH CARE FRAUD	134
SECTION 35A.02. HEALTH CARE FRAUD.....	134
TITLE 8 - OFFENSES AGAINST PUBLIC ADMINISTRATION	136
BRIBERY AND CORRUPT INFLUENCE.....	137
SECTION 36.02. BRIBERY.....	137
SECTION 36.03. COERCION OF PUBLIC SERVANT OR VOTER.....	138
SECTION 36.04. IMPROPER INFLUENCE	138
SECTION 36.05. TAMPERING WITH WITNESS	138
SECTION 36.06. OBSTRUCTION OR RETALIATION	139
SECTION 36.07. ACCEPTANCE OF HONORARIUM	141
SECTION 36.08. GIFT TO PUBLIC SERVANT BY PERSON SUBJECT TO HIS JURISDICTION	141
SECTION 36.09. OFFERING GIFT TO PUBLIC SERVANT	142
PERJURY AND OTHER FALSIFICATION	143
SECTION 37.02. PERJURY	143
SECTION 37.03. AGGRAVATED PERJURY	144
SECTION 37.08. FALSE REPORT TO PEACE OFFICER, FEDERAL SPECIAL INVESTIGATOR, LAW ENFORCEMENT EMPLOYEE, CORRECTIONS OFFICER, OR JAILER	144
SECTION 37.081. FALSE REPORT REGARDING MISSING CHILD OR MISSING PERSON	144
SECTION 37.082. MISREPRESENTING CHILD AS FAMILY MEMBER AT PORT OF ENTRY	145
SECTION 37.09. TAMPERING WITH OR FABRICATING PHYSICAL EVIDENCE	145
SECTION 37.10. TAMPERING WITH GOVERNMENTAL RECORD.....	146
SECTION 37.101. FRAUDULENT FILING OF FINANCING STATEMENT	147
SECTION 37.11. IMPERSONATING PUBLIC SERVANT.....	148
SECTION 37.12. FALSE IDENTIFICATION AS PEACE OFFICER; MISREPRESENTATION OF PROPERTY	148
SECTION 37.13. RECORD OF A FRAUDULENT COURT	149
SECTION 37.14. FALSE STATEMENT REGARDING CHILD CUSTODY DETERMINATION MADE IN FOREIGN COUNTRY	149
OBSTRUCTING GOVERNMENTAL OPERATION	150
SECTION 38.02. FAILURE TO IDENTIFY	150
SECTION 38.03. RESISTING ARREST, SEARCH, OR TRANSPORTATION	151
SECTION 38.04. EVADING ARREST OR DETENTION	151
SECTION 38.05. HINDERING APPREHENSION OR PROSECUTION	152
SECTION 38.06. ESCAPE	153
SECTION 38.07. PERMITTING OR FACILITATING ESCAPE	154
SECTION 38.09. IMPLEMENTS FOR ESCAPE	155
SECTION 38.10. BAIL JUMPING AND FAILURE TO APPEAR	155
SECTION 38.11. PROHIBITED SUBSTANCES AND ITEMS IN CORRECTIONAL OR CIVIL COMMITMENT FACILITY	156
SECTION 38.111. IMPROPER CONTACT WITH VICTIM.....	157
SECTION 38.112. TAMPERING WITH ELECTRONIC MONITORING DEVICE	158

SECTION 38.113. UNAUTHORIZED ABSENCE FROM COMMUNITY CORRECTIONS FACILITY, COUNTY CORRECTIONAL CENTER, OR ASSIGNMENT SITE	158
SECTION 38.114. CONTRABAND IN CORRECTIONAL FACILITY	159
SECTION 38.115. OPERATION OF UNMANNED AIRCRAFT OVER CORRECTIONAL FACILITY OR DETENTION FACILITY	159
SECTION 38.12. BARRATRY AND SOLICITATION OF PROFESSIONAL EMPLOYMENT	160
SECTION 38.122. FALSELY HOLDING ONESELF OUT AS A LAWYER	161
SECTION 38.123. UNAUTHORIZED PRACTICE OF LAW	162
SECTION 38.13. HINDERING PROCEEDINGS BY DISORDERLY CONDUCT	163
SECTION 38.14. TAKING OR ATTEMPTING TO TAKE WEAPON FROM PEACE OFFICER, FEDERAL SPECIAL INVESTIGATOR, EMPLOYEE OR OFFICIAL OF CORRECTIONAL FACILITY, PAROLE OFFICER, COMMUNITY SUPERVISION AND CORRECTIONS DEPARTMENT OFFICER, OR COMMISSIONED SECURITY OFFICER	163
SECTION 38.15. INTERFERENCE WITH PUBLIC DUTIES	164
SECTION 38.151. INTERFERENCE WITH POLICE SERVICE ANIMALS.....	165
SECTION 38.152. INTERFERENCE WITH RADIO FREQUENCY LICENSED TO GOVERNMENT ENTITY	166
SECTION 38.16. PREVENTING EXECUTION OF CIVIL PROCESS.....	167
SECTION 38.17. FAILURE TO STOP OR REPORT AGGRAVATED SEXUAL ASSAULT OF CHILD ..	167
SECTION 38.171. FAILURE TO REPORT FELONY	168
SECTION 38.172. FAILURE TO REPORT ASSAULT, NEGLECT, OR OMISSION OF CARE IN CERTAIN GROUP HOMES.....	168
SECTION 38.18. USE OF COLLISION REPORT INFORMATION AND OTHER INFORMATION FOR PECUNIARY GAIN	169
SECTION 38.19. FAILURE TO PROVIDE NOTICE AND REPORT OF DEATH OF RESIDENT OF INSTITUTION	169

ABUSE OF OFFICE 170

SECTION 39.02. ABUSE OF OFFICIAL CAPACITY	170
SECTION 39.03. OFFICIAL OPPRESSION	171
SECTION 39.04. VIOLATIONS OF THE CIVIL RIGHTS OF PERSON IN CUSTODY; IMPROPER SEXUAL ACTIVITY WITH PERSON IN CUSTODY OR UNDER SUPERVISION.....	171
SECTION 39.041. IMPROPER SEXUAL ACTIVITY WITH COMMITTED PERSON	173
SECTION 39.05. FAILURE TO REPORT DEATH OF PRISONER	173
SECTION 39.06. MISUSE OF OFFICIAL INFORMATION	174
SECTION 39.07. FAILURE TO COMPLY WITH IMMIGRATION DETAINER REQUEST	175

TITLE 9 - OFFENSES AGAINST PUBLIC ORDER AND DECENCY 176

DISORDERLY CONDUCT AND RELATED OFFENSES 177

SECTION 42.01. DISORDERLY CONDUCT	177
SECTION 42.02. RIOT	178
SECTION 42.03. OBSTRUCTING HIGHWAY OR OTHER PASSAGEWAY	179
SECTION 42.05. DISRUPTING MEETING OR PROCESSION	179
SECTION 42.055. FUNERAL SERVICE DISRUPTIONS.....	180

SECTION 42.06. FALSE ALARM OR REPORT.....	180
SECTION 42.0601. FALSE REPORT TO INDUCE EMERGENCY RESPONSE	181
SECTION 42.061. SILENT OR ABUSIVE CALLS TO 9-1-1 SERVICE	181
SECTION 42.062. INTERFERENCE WITH EMERGENCY REQUEST FOR ASSISTANCE.....	181
SECTION 42.07. HARASSMENT	182
SECTION 42.072. STALKING	183
SECTION 42.074. UNLAWFUL DISCLOSURE OF RESIDENCE ADDRESS OR TELEPHONE NUMBER	183
SECTION 42.075. DISCLOSURE OF CONFIDENTIAL INFORMATION REGARDING FAMILY VIOLENCE OR VICTIMS OF TRAFFICKING SHELTER CENTER	184
SECTION 42.08. ABUSE OF CORPSE	184
SECTION 42.09. CRUELTY TO LIVESTOCK ANIMALS	185
SECTION 42.091. ATTACK ON ASSISTANCE ANIMAL	186
SECTION 42.092. CRUELTY TO NONLIVESTOCK ANIMALS.....	187
SECTION 42.10. DOG FIGHTING	188
SECTION 42.105. COCKFIGHTING	189
SECTION 42.107. POSSESSION OF ANIMAL BY PERSON CONVICTED OF ANIMAL CRUELTY..	190
SECTION 42.11. DESTRUCTION OF FLAG	191
SECTION 42.12. DISCHARGE OF FIREARM IN CERTAIN MUNICIPALITIES	191
SECTION 42.13. USE OF LASER POINTERS.....	191
SECTION 42.14. ILLUMINATION OF AIRCRAFT BY INTENSE LIGHT	192
SECTION 42.15. OPERATION OF UNMANNED AIRCRAFT OVER AIRPORT OR MILITARY INSTALLATION.....	192

PROSTITUTION..... 193

SECTION 43.02. PROSTITUTION.....	193
SECTION 43.021. SOLICITATION OF PROSTITUTION	194
SECTION 43.03. PROMOTION OF PROSTITUTION	194
SECTION 43.031. ONLINE PROMOTION OF PROSTITUTION	194
SECTION 43.04. AGGRAVATED PROMOTION OF PROSTITUTION	195
SECTION 43.041. AGGRAVATED ONLINE PROMOTION OF PROSTITUTION	195
SECTION 43.05. COMPELLING PROSTITUTION	196

SUBCHAPTER B. OBSCENITY 197

SECTION 43.22. OBSCENE DISPLAY OR DISTRIBUTION	197
SECTION 43.23. OBSCENITY.....	197
SECTION 43.24. SALE, DISTRIBUTION, OR DISPLAY OF HARMFUL MATERIAL TO MINOR	198
SECTION 43.25. SEXUAL PERFORMANCE BY A CHILD	199
SECTION 43.251. EMPLOYMENT HARMFUL TO CHILDREN	199
SECTION 43.26. POSSESSION OR PROMOTION OF CHILD PORNOGRAPHY	200
SECTION 43.261. ELECTRONIC TRANSMISSION OF CERTAIN VISUAL MATERIAL DEPICTING MINOR	201
SECTION 43.262. POSSESSION OR PROMOTION OF LEWD VISUAL MATERIAL DEPICTING CHILD	202
SECTION 43.27. DUTY TO REPORT	203

SECTION 43.28. CERTAIN SEXUALLY ORIENTED PERFORMANCES PROHIBITED	203
TITLE 10 - OFFENSES AGAINST PUBLIC HEALTH, SAFETY, AND MORALS	204
WEAPONS	205
SECTION 46.02. UNLAWFUL CARRYING WEAPONS	205
SECTION 46.03. PLACES WEAPONS PROHIBITED	206
SECTION 46.035. UNLAWFUL CARRYING OF HANDGUN BY LICENSE HOLDER	207
SECTION 46.04. UNLAWFUL POSSESSION OF FIREARM	208
SECTION 46.041. UNLAWFUL POSSESSION OF METAL OR BODY ARMOR BY FELON	208
SECTION 46.05. PROHIBITED WEAPONS.....	209
SECTION 46.06. UNLAWFUL TRANSFER OF CERTAIN WEAPONS.....	209
SECTION 46.08. HOAX BOMBS.....	210
SECTION 46.09. COMPONENTS OF EXPLOSIVES	210
SECTION 46.10. DEADLY WEAPON IN PENAL INSTITUTION.....	210
SECTION 46.11. PENALTY IF OFFENSE COMMITTED WITHIN WEAPON-FREE SCHOOL ZONE.....	211
SECTION 46.13. MAKING A FIREARM ACCESSIBLE TO A CHILD	211
SECTION 46.14. FIREARM SMUGGLING	211
GAMBLING.....	212
SECTION 47.02. GAMBLING	212
SECTION 47.03. GAMBLING PROMOTION.....	213
SECTION 47.04. KEEPING A GAMBLING PLACE	213
SECTION 47.05. COMMUNICATING GAMBLING INFORMATION	213
SECTION 47.06. POSSESSION OF GAMBLING DEVICE, EQUIPMENT, OR PARAPHERNALIA....	214
CONDUCT AFFECTING PUBLIC HEALTH	214
SECTION 48.01. SMOKING TOBACCO	214
SECTION 48.015. PROHIBITIONS RELATING TO CERTAIN CIGARETTES	214
SECTION 48.02. PROHIBITION OF THE PURCHASE AND SALE OF HUMAN ORGANS.....	215
SECTION 48.04. PROHIBITION ON PURCHASE AND SALE OF ADULT STEM CELLS FOR CERTAIN INVESTIGATIONAL TREATMENTS	215
SECTION 48.05. PROHIBITED CAMPING.....	216
INTOXICATION AND ALCOHOLIC BEVERAGE OFFENSES	217
SECTION 49.02. PUBLIC INTOXICATION	217
SECTION 49.031. POSSESSION OF ALCOHOLIC BEVERAGE IN MOTOR VEHICLE	217
SECTION 49.04. DRIVING WHILE INTOXICATED	217
SECTION 49.045. DRIVING WHILE INTOXICATED WITH CHILD PASSENGER.....	218
SECTION 49.05. FLYING WHILE INTOXICATED	218
SECTION 49.06. BOATING WHILE INTOXICATED	219
SECTION 49.061. BOATING WHILE INTOXICATED WITH CHILD PASSENGER	219
SECTION 49.065. ASSEMBLING OR OPERATING AN AMUSEMENT RIDE WHILE INTOXICATED	220
SECTION 49.07. INTOXICATION ASSAULT	220
SECTION 49.08. INTOXICATION MANSLAUGHTER	221

FIREWORKS 221

SECTION 50.02. UNLAWFUL USE OF FIREWORKS 221

TITLE 11 – ORGANIZED CRIME 222

ORGANIZED CRIME 223

SECTION 71.02. ENGAGING IN ORGANIZED CRIMINAL ACTIVITY 223

SECTION 71.021. VIOLATION OF COURT ORDER ENJOINING ORGANIZED CRIMINAL ACTIVITY
..... 224

SECTION 71.022. COERCING, INDUCING, OR SOLICITING MEMBERSHIP IN A CRIMINAL STREET
GANG OR FOREIGN TERRORIST ORGANIZATION 224

SECTION 71.023. DIRECTING ACTIVITIES OF CRIMINAL STREET GANGS OR FOREIGN TERRORIST
ORGANIZATIONS 225

RACKETEERING AND UNLAWFUL DEBT COLLECTION 226

SECTION 72.02. USE OF PROCEEDS DERIVED FROM RACKETEERING OR UNLAWFUL DEBT
COLLECTION 226

SECTION 72.03. ACQUISITION OF INTEREST IN PROPERTY OR CONTROL OF ENTERPRISE
THROUGH RACKETEERING OR UNLAWFUL DEBT COLLECTION 226

SECTION 72.04. PARTICIPATION IN ENTERPRISE THROUGH RACKETEERING OR UNLAWFUL
DEBT COLLECTION 226

TITLE 12 – TERRORISM 228

TERRORISTIC OFFENSES 229

SECTION 76.02. TERRORISM 229

SECTION 76.03. AIDING IN COMMISSION OF TERRORISM 229

SECTION 76.04. HINDERING PROSECUTION OF TERRORISM 230

TITLE 13 – HEALTH AND SAFETY CODE 231

OFFENSES AND PENALTIES 232

SECTION 481.112. OFFENSE: MANUFACTURE OR DELIVERY OF SUBSTANCE IN PENALTY
GROUP 1 232

SECTION 481.1121. OFFENSE: MANUFACTURE OR DELIVERY OF SUBSTANCE IN PENALTY
GROUP 1-A 232

SECTION 481.1123. OFFENSE: MANUFACTURE OR DELIVERY OF SUBSTANCE IN PENALTY
GROUP 1-B 233

SECTION 481.113. OFFENSE: MANUFACTURE OR DELIVERY OF SUBSTANCE IN PENALTY
GROUP 2 OR 2-A 234

SECTION 481.114. OFFENSE: MANUFACTURE OR DELIVERY OF SUBSTANCE IN PENALTY
GROUP 3 OR 4 234

SECTION 481.115. OFFENSE: POSSESSION OF SUBSTANCE IN PENALTY GROUP 1 OR 1-B 235

SECTION 481.1151. OFFENSE: POSSESSION OF SUBSTANCE IN PENALTY GROUP 1-A 236

SECTION 481.116. OFFENSE: POSSESSION OF SUBSTANCE IN PENALTY GROUP 2 237

SECTION 481.1161. OFFENSE: POSSESSION OF SUBSTANCE IN PENALTY GROUP 2-A 239

SECTION 481.117. OFFENSE: POSSESSION OF SUBSTANCE IN PENALTY GROUP 3	240
SECTION 481.118. OFFENSE: POSSESSION OF SUBSTANCE IN PENALTY GROUP 4	241
SECTION 481.119. OFFENSE: MANUFACTURE, DELIVERY, OR POSSESSION OF MISCELLANEOUS SUBSTANCES	243
SECTION 481.120. OFFENSE: DELIVERY OF MARIHUANA	244
SECTION 481.121. OFFENSE: POSSESSION OF MARIHUANA.....	245
SECTION 481.122. OFFENSE: DELIVERY OF CONTROLLED SUBSTANCE OR MARIHUANA TO CHILD	246
SECTION 481.124. OFFENSE: POSSESSION OR TRANSPORT OF CERTAIN CHEMICALS WITH INTENT TO MANUFACTURE CONTROLLED SUBSTANCE.....	246
SECTION 481.1245. OFFENSE: POSSESSION OR TRANSPORT OF ANHYDROUS AMMONIA; USE OF OR TAMPERING WITH EQUIPMENT.....	247
SECTION 481.125. OFFENSE: POSSESSION OR DELIVERY OF DRUG PARAPHERNALIA	248
SECTION 481.126. OFFENSE: ILLEGAL BARTER, EXPENDITURE, OR INVESTMENT.....	249
SECTION 481.127. OFFENSE: UNAUTHORIZED DISCLOSURE OF INFORMATION	250
SECTION 481.128. OFFENSE AND CIVIL PENALTY: COMMERCIAL MATTERS	250
SECTION 481.1285. OFFENSE: DIVERSION OF CONTROLLED SUBSTANCE BY REGISTRANTS, DISPENSERS, AND CERTAIN OTHER PERSONS.....	251
SECTION 481.129. OFFENSE: FRAUD	252
SECTION 481.131. OFFENSE: DIVERSION OF CONTROLLED SUBSTANCE PROPERTY OR PLANT	254
SECTION 481.136. OFFENSE: UNLAWFUL TRANSFER OR RECEIPT OF CHEMICAL PRECURSOR	254
SECTION 481.137. OFFENSE: TRANSFER OF PRECURSOR SUBSTANCE FOR UNLAWFUL MANUFACTURE.....	255
SECTION 481.138. OFFENSE: UNLAWFUL TRANSFER OR RECEIPT OF CHEMICAL LABORATORY APPARATUS.....	255
SECTION 481.139. OFFENSE: TRANSFER OF CHEMICAL LABORATORY APPARATUS FOR UNLAWFUL MANUFACTURE.....	256

PENALTY GROUPS..... 257

SECTION 481.102 – PENALTY GROUP 1	257
SECTION 481.1021 – PENALTY GROUP 1-A	259
SECTION 481.1022 – PENALTY GROUP 1-B	259
SECTION 481.103 – PENALTY GROUP 2 (SIMPLIFIED TABLE FORMAT).....	260
SECTION 481.1031 – PENALTY GROUP 2-A	261
SECTION 481.104 – PENALTY GROUP 3	263
SECTION 481.105 – PENALTY GROUP 4	266

SIMULATED CONTROLLED SUBSTANCES 267

SECTION 482.002. UNLAWFUL DELIVERY OR MANUFACTURE WITH INTENT TO DELIVER; CRIMINAL PENALTY	267
-----------------------------------------------------------------------------------------------------	-----

DANGEROUS DRUGS..... 268

SECTION 483.041. POSSESSION OF DANGEROUS DRUG	268
-----------------------------------------------------	-----

SECTION 483.042. DELIVERY OR OFFER OF DELIVERY OF DANGEROUS DRUG	269
SECTION 483.043. MANUFACTURE OF DANGEROUS DRUG	270
ABUSABLE VOLATILE CHEMICALS.....	270
SECTION 485.032. DELIVERY TO A MINOR	270
SECTION 485.033. INHALANT PARAPHERNALIA	271

Title 1 – General Provisions

GENERAL PROVISIONS

Section 1.07. Definitions

- **"Act"** – Any body movement, whether voluntary or not; includes speech.
- **"Actor"** – The person accused of a crime. Same as "suspect."
- **"Agency"** – Any government body like a department, board, office, etc.
- **"Alcoholic beverage"** – Defined in Alcoholic Beverage Code Sec. 1.04.
- **"Another"** – Anyone other than the suspect.
- **"Association"** – Group with a shared economic interest, including government, trusts, partnerships, etc.
- **"Benefit"** – Any economic gain or advantage (can be for someone else the person cares about).
- **"Bodily injury"** – Physical pain, illness, or physical impairment.
- **"Civil commitment facility"** – State-run or contracted facility for sexually violent predators (not prisons/jails).
- **"Coercion"** – Threats, such as:
 - To commit a crime
 - To hurt someone in the future
 - To accuse someone of a crime
 - To expose someone to shame/ridicule
 - To hurt someone's reputation or credit
 - To improperly influence a public servant
- **"Conduct"** – Includes both the act or failure to act *and* the mental state behind it.
- **"Consent"** – Clear agreement, either spoken or understood.
- **"Controlled substance"** – Defined in Health and Safety Code Sec. 481.002.
- **"Corporation"** – Includes nonprofits, professional associations, etc.
- **"Correctional facility"** – Places that confine people arrested or convicted, including:
 - City/county jails
 - TDCJ prisons
 - Contracted lockups
 - Community correction centers
- **"Criminal negligence"** – Defined in Sec. 6.03.
- **"Dangerous drug"** – Defined in Health and Safety Code Sec. 483.001.
- **"Deadly weapon"** – Either:
 - Designed to cause death/serious injury (e.g., gun), or
 - Used in a way that can cause death/serious injury
- **"Drug"** – See Health and Safety Code Sec. 481.002.
- **"Effective consent"** – Legal consent. NOT valid if:
 - Obtained by force, threat, or fraud
 - Given by someone not authorized
 - Given by someone who can't make sound decisions (due to age, mental condition, intoxication)
 - Given just to catch someone in a crime

SIMPLIFIED STATUTES

TEXAS LAWS MADE EASY

- **"Electric generating plant"** – Makes electricity for public use.
- **"Electric utility substation"** – Changes or switches electricity for public use.
- **"Element of offense"** – The parts of a crime: act, intent, result, and lack of legal excuse.
- **"Felony"** – A crime punishable by prison time or death.
- **"Government"** – State, local governments, or their agencies.
- **"Harm"** – Any type of injury, loss, or disadvantage (including to someone the victim cares about).
- **"Individual"** – A living person, including unborn from fertilization to birth.
- **(27)** – Repealed.
- **"Intentional"** – Defined in Sec. 6.03.
- **"Knowing"** – Defined in Sec. 6.03.
- **"Law"** – U.S./Texas constitution, statutes, court opinions, city ordinances, etc.
- **"Mass shooting"** – When a person shoots to injure/kill 4+ people either:
 - In one event, or
 - in separate events but part of the same plan
- **"Misdemeanor"** – A crime punishable by a fine, jail time, or both.
- **"Oath"** – Includes an affirmation.
- **"Official proceeding"** – Any legal, government, or court-type process.
- **"Omission"** – Failing to act when required.
- **"Owner"** – Someone who:
 - Has title or control over property, or
 - Holds a legal financial instrument (e.g., check)
- **"Peace officer"** – Anyone legally recognized as a peace officer under Texas law.
- **"Penal institution"** – Legal place to detain suspects or convicted individuals.
- **"Person"** – Any human or legal entity (corporation, LLC, etc.).
- **"Possession"** – Having control, care, custody, or management of something.
- **"Public place"** – Anywhere the public has access (e.g., streets, stores, schools, hospitals, etc.).
- **"Public servant"** – Includes:
 - Government employees or officials
 - Jurors, lawyers, notaries in official roles
 - Candidates for office
 - Anyone doing a government job, even if not qualified
- **"Reasonable belief"** – What a typical, sensible person would believe in the same situation.
- **"Reckless"** – Defined in Sec. 6.03.
- **"Rule"** – Includes any regulation.
- **"Secure correctional facility"** – Includes city/county jails and TDCJ facilities (or contracted).
- **"Serious bodily injury"** – Injury that risks death, causes death, permanent disfigurement, or long-term loss of body function.
- **"Sight order"** – An instruction to pay money, like a check or auto

draft, that can be paid on demand or at a set time.

- **"Federal special investigator"** – Defined under Code of Criminal Procedure Art. 2A.002.
- **"Swear"** – Also means affirm.
- **"Unlawful"** – Something that's illegal or a civil wrong (even if a defense might apply).
- **"Death"** – Includes unborn child not being born alive.

Section 1.09. Concurrent Jurisdiction Under This Code to Prosecute Offenses That Involve State Property

With the consent of the appropriate local county or district attorney, the attorney general has concurrent jurisdiction with that consenting local prosecutor to prosecute under this code:

- any offense an element of which occurs on state property, or
- any offense that involves the use, unlawful appropriation, or misapplication of state property, including state funds.

Title 2 - General Principles of Criminal Responsibility

CULPABILITY GENERALLY

Section 6.02. Requirement of Culpability

(a) Except as stated in Subsection (b), a person does not commit an offense unless they act intentionally, knowingly, recklessly, or with criminal negligence, as required by the definition of the offense.

(b) If the definition of an offense does not include a mental state, a culpable mental state is still required unless the definition clearly removes the need for any mental element.

(c) If a mental state is not listed in the offense definition but is still required under Subsection (b), then intent, knowledge, or recklessness is enough to establish criminal responsibility.

(d) Culpable mental states are ranked from highest to lowest as follows:

1. Intentional
2. Knowing
3. Reckless
4. Criminal negligence

(e) If a person is proven to have acted with a higher degree of culpability than the one charged, that still counts as proof of the required culpability.

(f) A criminal offense created by a municipal ordinance or county commissioners court order must

include a culpable mental state if the offense carries a fine higher than allowed under Section 12.23.

Section 6.03. Definitions of Culpable Mental States

(a) A person acts intentionally when it is their conscious objective or desire to engage in the conduct or cause the result.

(b) A person acts knowingly when they are aware of the nature of their conduct or that certain circumstances exist. A person also acts knowingly with respect to a result when they are aware that their conduct is reasonably certain to cause that result.

(c) A person acts recklessly when they are aware of but consciously disregard a substantial and unjustifiable risk that the circumstances exist or the result will occur. The risk must be so serious that ignoring it is a gross deviation from the standard of care that an ordinary person would use in the same situation, viewed from the person's own standpoint.

(d) A person acts with criminal negligence when they should be aware of a substantial and unjustifiable risk that the circumstances exist or the result will occur. Failing to notice the risk must be a gross deviation from the standard of care that an ordinary person would use in the

same situation, viewed from the person's own standpoint.

**Section 6.04. Causation:
Conduct and Results**

(a) A person is criminally responsible for a result if the result would not have happened but for their conduct, whether acting alone or with another cause—unless the other cause was clearly enough to produce the result on its own and the person's conduct was clearly not enough to cause it.

(b) A person is still criminally responsible for causing a result if the only difference between what actually happened and what they intended, expected, or risked is that:

1. A different offense was committed; or
2. A different person or property was injured, harmed, or otherwise affected.

CRIMINAL RESPONSIBILITY FOR CONDUCT OF ANOTHER

(Subchapter A. Complicity)

**Section 7.01. Parties to
Offenses**

(a) A person is criminally responsible for an offense if it is committed:

- by their own conduct,
- by the conduct of another for which they are criminally responsible,
- or by a combination of both.

(b) Each party involved in an offense may be charged with committing the offense.

(c) This section eliminates all traditional distinctions between accomplices and principals. Any party to the offense may be charged and convicted without stating whether they acted as a principal or accomplice.

**Section 7.02. Criminal
Responsibility for Conduct of
Another**

(a) A person is criminally responsible for an offense committed by someone else if:

1. Acting with the culpability required for the offense, they cause or help an innocent or

SUBCHAPTER A.

GENERAL PROVISIONS

nonresponsible person to engage in conduct prohibited by the offense;

2. Acting with intent to promote or assist the offense, they solicit, encourage, direct, aid, or attempt to aid the other person in committing it; or
3. Having a legal duty to prevent the offense and acting with intent to promote or assist its commission, they fail to make a reasonable effort to stop it.
(b) If, while trying to carry out a conspiracy to commit one felony, a different felony is committed by one of the conspirators, then all conspirators are guilty of the felony that actually occurred—even if they didn't intend to commit it—if it was committed in furtherance of the conspiracy and was a result that should have been anticipated.
In this subsection, "conspiracy" means an agreement between two or more people to commit a felony.

Section 9.03. Confinement as Justifiable Force

Confinement is justified when force is justified, as long as the person using the force takes reasonable steps to end the confinement as soon as they know it is safe to do so—unless the person being confined has been arrested for an offense.

Section 9.04. Threats as Justifiable Force

A threat of force is justified when the use of force is justified.

A threat to cause death or serious bodily injury—including showing a weapon—is not considered the use of deadly force, as long as the person's purpose is only to create fear that they will use deadly force if necessary.

Section 9.05. Reckless Injury of Innocent Third Person

Even if a person is justified in threatening or using force or deadly force against someone, that justification does not apply if, in doing so, they recklessly

injure or kill an innocent third person.

The justification provided by this chapter cannot be used as a defense in a prosecution for that reckless injury or killing.

SUBCHAPTER B.

JUSTIFICATION

GENERALLY

Section 9.21. Public Duty

(a) Conduct is justified if the person reasonably believes the conduct is required or authorized by:

- Law,
- A judgment or order from a competent court or other governmental tribunal, or
- The execution of legal process—except as limited by Subsections (b) and (c).

(b) Other sections of this chapter apply when force is used:

- To protect persons (Subchapter C),
- To protect property (Subchapter D),
- For law enforcement (Subchapter E), or
- Based on a special relationship (Subchapter F).

(c) Deadly force is not justified under this section unless the person reasonably believes:

- It is specifically required by statute, or
- It occurs in the lawful conduct of war.

If deadly force is justified, the person has no duty to retreat before using it.

(d) The justification under this section still applies if the person reasonably believes that:

1. The court or governmental tribunal has jurisdiction or that the legal process is lawful, even if that is not actually true; or
2. Their conduct is required or authorized to assist a public servant in their official duty, even if the public servant exceeds lawful authority.

Section 9.22. Necessity

Conduct is justified if:

1. The person reasonably believes the conduct is immediately necessary to avoid imminent harm;
2. The desirability and urgency of avoiding the harm clearly outweigh the harm the law was meant to prevent, based on ordinary standards of reasonableness; and
3. There is no clear legislative intent to exclude the justification being claimed.

SUBCHAPTER C.

PROTECTION OF

PERSONS

Section 9.31. Self-Defense

(a) A person is justified in using force against another when, and to the degree that, the person reasonably believes the force is immediately necessary to protect against the other person's use or attempted use of unlawful force. The belief is presumed reasonable if:

1. The person knew or had reason to believe that the other person:
 - (A) Unlawfully and with force entered, or was attempting to enter, the person's occupied home, vehicle, or place of business or employment;
 - (B) Unlawfully and with force removed, or was attempting to remove, the person from their home, vehicle, or place of business or employment; or
 - (C) Was committing or attempting to commit:
 - Aggravated kidnapping,
 - Murder,
 - Sexual assault,
 - Aggravated sexual assault,
 - Robbery, or
 - Aggravated robbery;
2. The person using force did not provoke the other person; and
3. The person using force was not engaged in criminal activity,

Title 3 - Punishments

PUNISHMENTS (SUBCHAPTER D. EXCEPTIONAL SENTENCES)

Section 12.47. Penalty if Offense Committed Because of Bias or Prejudice

(a) If a court makes an affirmative finding under Article 42.014, Code of Criminal Procedure, that an offense was committed because of bias or prejudice, the punishment is increased as follows:

- For any offense other than a first degree felony or a Class A misdemeanor, the punishment is raised to that of the next highest category of offense.
- If the offense is a Class A misdemeanor, the minimum term of confinement is increased to 180 days.

This section does not apply to a trial for the offense of injury to a disabled individual under Section 22.04 if the affirmative finding shows the defendant intentionally selected the victim because the victim was disabled.

(b) The attorney general, upon request by a prosecuting attorney, may assist in the investigation or prosecution of an offense committed because of bias or prejudice. The attorney general must designate one

individual in their criminal prosecution division to coordinate responses to such requests.

Section 12.50. Penalty if Offense Committed in Disaster Area or Evacuated Area

(a) Subject to Subsections (c) and (d), the punishment for an offense listed in Subsection (b) is increased to the next higher category of offense if it is shown at trial that the offense was committed in an area that, at the time of the offense, was:

1. Under a disaster declaration issued by:
 - (A) the President of the United States under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. Section 5121 et seq.);
 - (B) the Governor of Texas under Section 418.014, Government Code; or
 - (C) the presiding officer of a local government under Section 418.108, Government Code; or
2. Under an emergency evacuation order.

(b) This punishment increase applies only to offenses under:

 1. Section 20.05 – Unlawful Restraint
 2. Section 20.06 – Continuous Smuggling of Persons
 3. Section 20.07 – Operation of a Stash House
 4. Section 22.01 – Assault
 5. Section 28.02 – Arson

6. Section 29.02 – Robbery
7. Section 30.02 – Burglary
8. Section 30.03 – Burglary of Coin-Operated or Coin Collection Machines
9. Section 30.04 – Burglary of Vehicles
10. Section 30.05 – Criminal Trespass
11. Section 31.03 – Theft

(c) If the offense is normally a Class A misdemeanor, the minimum term of confinement is increased to 180 days.

If the offense is a first-degree felony, the punishment may not be increased under this section, except as stated in Subsection (d).

(d) For offenses listed in Subsection (b)(1), (2), or (3) where punishment is increased under this section:

- The minimum term of imprisonment is 10 years,
- If the offense under (b)(1) or (2) is a first-degree felony, the minimum term of imprisonment is 15 years, unless another law already requires a minimum of 15 years or more.

(e) An “emergency evacuation order” means an official statement by the state or a local government recommending or requiring evacuation of all or part of an area affected or threatened by a disaster.

**Section 12.501. Penalty for
Certain Offenses Committed in**

**Retaliation for or on Account of
Person's Service or Status as
Public Servant**

(a) In this section, “public servant” has the meaning given in Section 36.06.

(b) Subject to Subsection (d), the punishment for an offense listed in Subsection (c) is increased to the next higher category of offense if it is shown at trial that:

1. The offense:
 - (A) Was committed against a person the actor knows is a public servant or a member of a public servant’s family or household; or
 - (B) Involves property the actor knows belongs to, is under the control of, or is lawfully possessed by a public servant; and
2. The offense was committed in retaliation for or because of the person’s service or status as a public servant.

(c) This punishment increase applies only to offenses under:

1. Section 21.16, 21.18, 21.19, 22.011, 28.02, 28.03, 30.05, 33.02, 42.07, or 42.072; or
2. Section 32.51, except for offenses punishable under Subsection (c-1) of that section.

(d) If the offense listed in Subsection

(c) is a Class A misdemeanor, the minimum term of confinement is increased to 180 days.

If the offense is a first-degree felony, the punishment may not be increased under this section.

(e) A "member of a public servant's family" means a person related to the public servant within the second degree of consanguinity.

Section 12.502. Penalty if Offense Committed on Premises of Postsecondary Educational Institution

(a) In this section:

1. "Postsecondary educational institution" means:
 - (A) A public or private institution of higher education as defined by Section 61.003, Education Code; or
 - (B) A career school or college as defined by Section 132.001, Education Code.
2. "Premises" means real property and all buildings and structures attached to it.
 - (b) Except as provided by Subsection (c), if it is shown at trial that an offense under Section 21.07, 21.08, 21.15, or 21.17 was committed on the premises of a postsecondary educational institution, the punishment is increased to the next higher category of offense as follows:
 1. A Class C misdemeanor is increased to a Class B misdemeanor;
 2. A Class B misdemeanor is increased to a Class A misdemeanor;
 3. A Class A misdemeanor is increased to a state jail felony;

4. A state jail felony is increased to a third-degree felony.
 - (c) If the defendant has two prior convictions for offenses under Section 21.07, 21.08, 21.15, or 21.17 with enhanced punishment under Subsection (b), and the current offense was committed on the premises of a postsecondary educational institution, the punishment is increased further as follows:
 1. A Class C misdemeanor is increased to a Class A misdemeanor;
 2. A Class B misdemeanor is increased to a state jail felony;
 3. A Class A misdemeanor is increased to a third-degree felony;
 4. A state jail felony is increased to a second-degree felony.
 - (d) If an offense under Section 21.07, 21.08, 21.15, or 21.17 has another specific enhancement provision that results in a higher minimum punishment than the increase under Subsection (b) or (c), then that specific enhancement provision takes precedence.
 - (e) A previous conviction can be used to enhance punishment under this section or under another provision in Subchapter D, Chapter 12, but not under both.

Title 4 - Inchoate Offenses

PREPARATORY OFFENSES

Section 15.01. Criminal Attempt

Level of Offense: One category lower than the offense attempted (or a Class A misdemeanor if the offense attempted is a state jail felony)

Articulate the following:

1. Explain how the suspect had the specific intent to commit a particular offense (describe the intended crime and any statements or actions showing intent).
2. Describe what the suspect did that went beyond mere planning or preparation (e.g., actions that clearly moved toward completing the intended crime).
3. Document how the suspect's actions failed to successfully complete the intended offense.
4. If applicable, explain any aggravating factors present during the attempt (e.g., use of a weapon, targeting a protected class, or other circumstances that would elevate the offense if completed).

Section 15.02. Criminal Conspiracy

Level of Offense: One category lower than the most serious felony that is the object of the conspiracy (or a Class A

misdemeanor if the object is a state jail felony)

Articulate the following:

1. Describe how the suspect intended for a specific felony to be committed (name the felony and explain the suspect's goal).
2. Explain how the suspect agreed with one or more people to engage in conduct that would constitute that felony (include verbal or non-verbal indications of agreement).
3. Document any overt act committed by the suspect or a co-conspirator in furtherance of the agreement (e.g., buying supplies, scouting a location, making plans).
4. Explain how the agreement can be reasonably inferred from the actions or conduct of the parties (if there is no direct evidence of an agreement).
(Do not include any defenses listed in subsection (c); these do not prevent charges and should not be treated as exculpatory in the report.)

Section 15.03. Criminal Solicitation

Felony of the First Degree (if capital offense solicited)

Felony of the Second Degree (if first-degree felony solicited)

Articulate the following:

1. Explain that the defendant intended for a capital felony or a first-degree felony to be committed.

2. Describe how the defendant *requested, commanded, or attempted to persuade* another person to commit a specific act (the conduct must relate directly to the intended felony).
3. Document the specific conduct the defendant asked the other person to engage in (detail what the defendant said or did).
4. Explain the circumstances as the defendant believed them to be—showing that, if carried out, the act would have constituted the felony or made the other person a party to it.
5. Document any corroborating evidence that supports both the defendant's intent and the act of solicitation (e.g., messages, recordings, witness accounts).
6. Do not rely solely on the testimony of the person solicited—ensure additional evidence strongly supports the claim of solicitation and the defendant's intent.

Section 15.031. Criminal Solicitation of a Minor

Level of Offense: One category lower than the solicited offense (unless enhanced under gang-related provisions)

Articulate the following:
For offenses listed under Article 42A.054(a), Code of Criminal Procedure:

1. Describe how the suspect requested, commanded, or attempted to induce a minor to commit a specific criminal act

(use direct quotes, messages, or conduct if available).

2. Explain how the suspect intended for the offense to be committed (include any statements, actions, or context showing intent).
3. Document that the offense solicited is one listed in Article 42A.054(a), Code of Criminal Procedure (e.g., murder, aggravated assault, etc.).
4. Explain how the suspect believed the circumstances would lead to the minor committing the offense or becoming a party to it.
5. Document that the person solicited was a minor (under 17) at the time or that the suspect believed them to be a minor.

For offenses under Sections 20A.02(a)(7) or (8), 21.02, 21.11, 22.011, 22.021, 43.02, 43.021, 43.05(a)(2), or 43.25:

1. Describe how the suspect, by any means (e.g., in person, online, text), requested, commanded, or attempted to induce a minor or someone believed to be a minor to engage in a specific act.
2. Explain how the suspect intended the act to constitute an offense under one of the listed Penal Code sections (e.g., trafficking, sexual assault, indecency with a child, prostitution, etc.).
3. Document what the suspect believed about the surrounding circumstances that would have made the act a criminal offense.
4. Explain how the suspect believed the individual solicited was a

minor (if the person was not actually under 17).

5. Document the age of the person solicited or provide facts showing the suspect's belief that the person was under 17.

If gang-related enhancement applies:

1. Document that the suspect was 17 or older at the time of the offense.
2. Describe how the suspect was a member of a criminal street gang.
3. Explain how the solicitation was intended to either further the gang's activities or avoid detection as a gang member.

Section 15.032. Child Grooming

Third Degree Felony (Second Degree Felony if prior conviction under specified offenses)

Articulate the following:

1. Describe how the suspect knowingly persuaded, induced, enticed, or coerced (or attempted to do so) a child under 18 to engage in specific conduct.
2. Document the child's age (under 18 years old).
3. Explain how the suspect intended for the child's conduct to result in a crime involving sexual activity under Chapter 43, or a sexual offense that would create criminal liability under Chapter 20A (Human Trafficking), Chapter 21 (Sexual Offenses), or Chapter 22 (Assaultive Offenses).

4. Describe the conduct the suspect tried to cause the child to engage in, and explain how, based on the suspect's belief about the situation, that conduct would either:
 - a. Constitute a sexual or trafficking-related offense by the suspect (e.g., child pornography, indecency with a child, sexual assault), **or**
 - b. Make the child a participant in the commission of that offense (e.g., child participates in production or solicitation).**If the suspect is under 18, document the following (if applicable, for affirmative defense):**
 5. Document whether the suspect and child were within three years of age and had a dating relationship or were legally married.
 6. Explain that the conduct occurred only between the suspect and the other minor involved.

CRIMINAL INSTRUMENTS, INTERCEPTION OF WIRE OR ORAL COMMUNICATION, AND INSTALLATION OF TRACKING DEVICE

Section 16.01. Unlawful Use of Criminal Instrument or Mechanical Security Device

Varies by subsection:

- Possession with intent (Subsection a(1)): One category lower than the offense intended
- Manufacture, sale, or installation (Subsection a(2)): State Jail Felony

Articulate the following:
If the suspect *possessed* the device (Subsection a(1)):

1. Describe the criminal instrument or mechanical security device the suspect had in their possession (e.g., lock pick, bypass tool, fake ATM skimmer).
2. Explain how the device was specially designed, made, or adapted for use in committing a crime.
3. Explain how the suspect intended to use the device to commit a specific criminal offense (e.g., burglary, theft, trespass).

If the suspect *manufactured, adapted, sold, installed, or set up* the device (Subsection a(2)):

1. Describe how the suspect manufactured, altered, sold, installed, or set up the criminal instrument or mechanical security device.
2. Document that the suspect knew the nature and purpose of the device (e.g., statements made, design features, past use).
3. Explain how the suspect intended to use the device—or allow someone else to use it—to commit a specific offense.

Section 16.02. Unlawful Interception, Use, or Disclosure of Wire, Oral, or Electronic Communications

Felony of the Second Degree (State Jail Felony if committed under Subsection (d) or (g))

Articulate the following:
For unlawful interception (Subsection b)(1):

1. Describe how the suspect intentionally intercepted or tried to intercept a wire, oral, or electronic communication (e.g., used a device to listen to a private call or conversation).
2. Document whether the suspect asked or caused someone else to intercept or attempt to intercept the communication.

For unlawful disclosure (Subsection b)(2):

3. Explain how the suspect intentionally shared or tried to share the contents of a

Title 5 - Offenses Against the Person

CRIMINAL HOMICIDE

Section 19.02. Murder

First Degree Felony (may be reduced to Second Degree if sudden passion is proven at punishment stage)

Articulate the following:

For subsection (b)(1) – Intentional or Knowing Killing:

1. Describe how the suspect caused the death of the victim.
2. Explain how the suspect acted intentionally or knowingly (e.g., statements made, planning, use of deadly weapon).

For subsection (b)(2) – Serious Bodily Injury Causing Death:

1. Describe how the suspect intended to cause serious bodily injury to the victim.
2. Document the act the suspect committed that was clearly dangerous to human life.
3. Explain how that act caused the victim's death.

For subsection (b)(3) – Felony Murder:

1. Describe the felony the suspect was committing, attempting to commit, or fleeing from (excluding manslaughter).
2. Document how the suspect committed or attempted to commit an act clearly dangerous to human life.

3. Explain how that act caused the victim's death.

For subsection (b)(4) – Drug- Induced Death (Penalty Group 1-B substance):

1. Document how the suspect knowingly manufactured or delivered a controlled substance listed in Penalty Group 1-B.
2. Explain that the controlled substance was introduced into the body of the deceased (e.g., ingestion, injection, inhalation).
3. Describe how the use of that substance caused the individual's death.
4. Document that the substance used was the same one manufactured or delivered by the suspect.

If applicable – Sudden Passion (may reduce offense to Second Degree Felony):

1. Describe any provocation by the victim or someone acting with the victim that may have triggered the suspect's reaction.
2. Explain how the suspect acted under the immediate influence of sudden passion (e.g., no time to cool down).
3. Describe whether the provocation would cause an ordinary person to lose the ability for cool reflection.

If applicable – Lawful Authority (Defense to (b)(4)):

1. Document any authorization under state or federal law that may have allowed the suspect to manufacture or deliver the controlled substance.

Section 19.03. Capital Murder

Capital Felony

Articulate the following:

For all Capital Murder charges (based on 19.02(b)(1)):

1. Describe how the suspect intentionally caused the death of the victim.

(a)(1) – Victim was a Peace Officer or Firefighter:

1. Document that the victim was a peace officer or firefighter acting in the lawful discharge of duty.
2. Explain how the suspect knew the victim was a peace officer or firefighter (e.g., uniform, badge, verbal ID).

(a)(2) – Murder During Specified Felonies:

1. Describe how the suspect intentionally committed the murder.
2. Document that the murder occurred during the commission or attempted commission of one of the following crimes:
 - Kidnapping
 - Burglary
 - Robbery
 - Aggravated Sexual Assault
 - Arson
 - Obstruction or Retaliation
 - Terroristic Threat under Section 22.07(a)(1), (3), (4), (5), or (6)

(a)(3) – Murder for Hire:

1. Explain how the murder was committed for remuneration or promise of remuneration.

2. Or, describe how the suspect hired or employed another person to commit the murder for payment or promise of payment.

(a)(4) – Murder While Escaping from Penal Institution:

1. Describe how the suspect committed the murder while escaping or attempting to escape from a penal institution.

(a)(5)(A) – Murder of Penal Institution Employee:

1. Document that the suspect was incarcerated in a penal institution at the time.
2. Describe how the victim was employed at the penal institution.
3. Describe how the murder was committed by the suspect.

(a)(5)(B) – Murder to Promote a Criminal Combination:

1. Document that the suspect was incarcerated.
2. Explain how the murder was committed to establish, maintain, or participate in a combination or gain its profits (e.g., gang affiliation, criminal enterprise).

(a)(6)(A) – Murder While Incarcerated for Murder or Capital Murder:

1. Document that the suspect was incarcerated for Murder or Capital Murder.
2. Describe how the suspect murdered another person while incarcerated.

(a)(6)(B) – Murder While Serving Life or 99-Year Sentence for Specific Crimes:

1. Document that the suspect was serving a life sentence or 99 years for:

- Aggravated Kidnapping (Sec. 20.04)
- Aggravated Sexual Assault (Sec. 22.021)
- Aggravated Robbery (Sec. 29.03)

2. Describe how the suspect murdered another person while serving that sentence.

(a)(7)(A) – Multiple Victims in Same Criminal Transaction:

1. Document that the suspect murdered more than one person during the same criminal act or event.

(a)(7)(B) – Multiple Victims in Separate Transactions but Common Scheme:

1. Describe how the suspect murdered multiple people in separate events.
2. Explain how the murders were committed as part of a continuing scheme or course of conduct.

(a)(8) – Victim Under 10 Years Old:

1. Document that the victim was younger than 10 years old.
2. Describe how the suspect intentionally caused the victim's death.

(a)(9) – Victim Aged 10 to Under 15:

1. Document that the victim was at least 10 years old but younger than 15.
2. Describe how the suspect intentionally caused the victim's death.

(a)(10) – Murder of a Judge or Justice in Retaliation:

1. Document the victim's role as a judge or justice in any of the listed courts.

2. Explain how the murder was committed in retaliation for or on account of the victim's official service or status.

Section 19.04. Manslaughter

Second Degree Felony (First Degree if linked to Criminal Mischief under § 28.09)

Articulate the following:

General Reckless Manslaughter (subsection a):

1. Describe how the suspect caused the death of the victim.
2. Explain how the suspect acted recklessly (i.e., aware of but consciously disregarded a substantial and unjustifiable risk that death would occur).
3. Document facts showing the risk was a gross deviation from what a reasonable person would do (e.g., dangerous conduct, environmental conditions, disregard for safety).

Enhanced Manslaughter (if conduct violated § 28.09 – Criminal Mischief causing death):

1. Document that the suspect committed criminal mischief under Section 28.09 (e.g., damaging, destroying, tampering with property).
2. Explain how that criminal mischief directly caused the victim's death.
3. Confirm that the act meets the definition of reckless behavior and led to a fatal result.

**Section 19.05. Criminally
Negligent Homicide**

State Jail Felony

Articulate the following:

1. Describe how the suspect caused the death of the victim.
2. Explain how the suspect failed to perceive a substantial and unjustifiable risk that death would occur (i.e., criminal negligence).
3. Document facts showing the risk was such that a reasonable person would have recognized it.
4. Explain how the suspect's failure to recognize the risk was a gross deviation from the standard of care an ordinary person would exercise under similar circumstances.

**Section 19.06. Applicability to
Certain Conduct**

This chapter does not apply to the death of an "unborn child" if the act in question falls under any of the following:

1. The act was committed by the mother of the unborn child.
2. The act was a lawful medical procedure done by a physician or licensed health care provider, with proper consent, and the death of the unborn child was the intended result of the procedure.
3. The act was a lawful medical procedure done by a physician or licensed health care provider, with proper consent, as part of

an assisted reproduction (as defined by Section 160.102 of the Family Code).

4. The act involved giving out or administering a legally prescribed drug according to the law.

KIDNAPPING, UNLAWFUL RESTRAINT, AND SMUGGLING OF PERSONS

Section 20.02. Unlawful Restraint

Class A Misdemeanor (can be enhanced based on circumstances)
Articulate the following:

Basic Offense (Class A Misdemeanor):

1. Describe how the suspect intentionally or knowingly restrained the victim (e.g., confined, limited movement, prevented leaving).

Enhanced Offense – Victim Under 17 (State Jail Felony):

1. Document that the victim was younger than 17 years old.
2. Describe how the suspect intentionally or knowingly restrained the child.

Enhanced Offense – Risk of Serious Bodily Injury (Third Degree Felony):

1. Describe how the suspect restrained the victim.
2. Explain how the suspect recklessly exposed the victim to a substantial risk of serious bodily injury during the restraint.

Enhanced Offense – Victim is a Public Servant (Third Degree Felony):

1. Document that the victim was a public servant performing official duties or targeted because of those duties.
2. Describe how the suspect knew the victim was a public servant.
3. Describe how the suspect intentionally or knowingly restrained the victim.

Enhanced Offense – Restraint While in Custody or Civil Commitment (Third Degree Felony):

1. Document that the suspect was in custody or committed to a civil commitment facility at the time of the offense.
2. Describe how the suspect restrained another person.

Enhanced Offense – Victim is a Peace Officer or Judge (Second Degree Felony):

1. Document that the victim was a peace officer or judge performing official duties or targeted because of those duties.
2. Describe how the suspect knew the victim was a peace officer or judge.
3. Describe how the suspect intentionally or knowingly restrained the victim.

If applicable – Affirmative Defense (Child Under 14):

1. Document that the victim was younger than 14 years old.
2. Explain that the suspect is a relative of the child.
3. Explain that the suspect's sole intent was to assume lawful control of the child.

Title 6 - Offenses Against the Family

OFFENSES AGAINST THE FAMILY

Section 25.01. Bigamy

Level of Offense:

- Third Degree Felony
- Second Degree Felony (if the second partner is 17 years old)
- First Degree Felony (if the second partner is 16 years old or younger)

Articulate the following:

If the suspect is already married:

1. Describe how the suspect was legally married at the time of the alleged conduct.
2. Describe how the suspect either:
 - a. Married or claimed to marry another person (in Texas or elsewhere); or
 - b. Lived with another person under the appearance of being married (e.g., shared home, used shared last name, introduced each other as spouses).
3. Explain how the circumstances would have resulted in a valid marriage if not for the existing marriage.

If the suspect knew the other person was already married:

1. Describe how the other person was legally married to someone else at the time.
2. Explain how the suspect knew the other person was married.

3. Describe how the suspect either:
 - a. Married or claimed to marry that person (in Texas or elsewhere); or
 - b. Lived with that person under the appearance of being married.
4. Explain how the circumstances would have resulted in a valid marriage if not for the other person's existing marriage.

For cases involving "appearance of being married":

1. Describe any conduct showing the couple held themselves out as married (e.g., introduced as husband and wife, used the same last name, filed taxes together).
2. Document evidence of cohabitation (e.g., living arrangement, shared bills, mail, lease).
3. Explain that one or both parties intended to be married.

If age enhancement applies:

1. Document the age of the person the suspect married, purported to marry, or lived with under the appearance of marriage.
2. Confirm whether the individual was 17, or 16 or younger, at the time of the offense.

Section 25.02. Prohibited Sexual Conduct

Felony of the Third Degree
(Second Degree if committed with ancestor or descendant)

Articulate the following:

1. Describe how the defendant engaged in sexual intercourse

- (penetration of the female sex organ by the male sex organ).
2. Or, describe how the defendant engaged in deviate sexual intercourse (genital contact with the mouth or anus intended to arouse or gratify sexual desire).
 3. Explain how the defendant knew the other person was one of the following (regardless of adoption or legitimacy):
 - Their ancestor or descendant (e.g., parent, grandparent, child, grandchild).
 - Their current or former stepchild or stepparent.
 - Their parent's brother or sister (aunt or uncle).
 - Their sibling (whole, half, or adopted).
 - Their sibling's child (niece or nephew).
 - Their cousin (child of their aunt or uncle).
 4. Document the nature of the relationship to show how the other person fits into one of the prohibited categories.
 5. Detail how the defendant's knowledge of the relationship was established or inferred (e.g., statements, family history, cohabitation, records).

Section 25.03. Interference With Child Custody

State Jail Felony

Articulate the following:

If the suspect took or kept a child in violation of a court order:

1. Describe how the suspect took or kept a child under 18 years old.
2. Explain how the suspect knew their actions violated a court order (including temporary orders) regarding custody.
3. Document the specific terms of the custody order that were violated.

If the suspect removed a child during an active custody case:
1. Describe how the suspect took a child under 18 years old out of the geographic area of the court's jurisdiction (e.g., out of the county or judicial district).
2. Document that the suspect had not been awarded custody by a court.
3. Explain that the suspect knew a custody-related case (e.g., divorce, habeas corpus) had been filed.
4. Explain how the suspect acted with the intent to interfere with the court's ability to decide custody.
5. Document that the suspect did not have the court's permission to remove the child from the area.

If the suspect took the child outside of the United States:
1. Describe how the suspect took or kept the child outside of the United States.
2. Explain how the suspect acted with the intent to deprive another person of lawful possession or access to the child.
3. Document that the suspect did not have permission from the

person legally entitled to possession or access.

If a noncustodial parent enticed the child away from lawful custody:

1. Describe how the noncustodial parent enticed or persuaded the child to leave the custody of the legal guardian or custodial parent.
2. Explain that the child is under 18 years old.
3. Explain that the suspect acted with the intent to interfere with lawful custody.
4. Document that the suspect knowingly caused the child to leave lawful custody.

Section 25.031. Agreement to Abduct From Custody

State Jail Felony

Articulate the following:

1. Explain how the defendant agreed to abduct a child under the age of 18.
2. Describe what the defendant expected in return for the agreement (payment or promise of payment).
3. Explain how the planned abduction involved force, threat of force, misrepresentation (lying or deceit), stealth (sneaking), or unlawful entry.
4. Document that the child was known by the defendant to be under the care or control of:
 - a. A person with legal custody or physical possession under a court order (including temporary orders), **or**

b. A person caring for the child with the consent of someone with legal custody or physical possession under a court order.

Section 25.04. Enticing a Child

Class B Misdemeanor (Third Degree Felony if intent to commit a felony against the child is shown)

Articulate the following:

1. Describe how the defendant knowingly enticed, persuaded, or took the child (use the child's actions, the defendant's words or behavior, or the circumstances to show this).
2. Explain that the child was younger than 18 years old at the time.
3. Document who had lawful custody of the child (e.g., parent, guardian, or person acting as a parent).
4. Explain how the defendant intended to interfere with that lawful custody (e.g., taking the child without permission or trying to influence the child to leave).
5. If applicable, explain how the defendant intended to commit a felony against the child (describe the specific felony the defendant intended, if known).

Section 25.05. Criminal Nonsupport

State Jail Felony

Articulate the following:

1. Describe how the individual failed to provide support for their child (e.g., did not make required payments, ignored court-ordered obligations).
2. Explain that the child is younger than 18 years old **or** is the subject of a court order requiring support.
3. Document that the individual is the child's parent, including if paternity was acknowledged or established by a civil suit.
4. Explain how the failure to support was done intentionally or knowingly (e.g., the person was aware of the obligation and chose not to comply).

Section 25.06. Harboring Runaway Child

Class A Misdemeanor

Articulate the following:

1. Describe how the suspect knowingly allowed a child to stay at their home or property (or otherwise provided shelter or protection).
2. Explain how the suspect was criminally negligent (failed to use reasonable care) in determining whether the child was under 18 years old.
3. Explain how the suspect was criminally negligent in determining that the child either:
 - a. Escaped from the custody of a peace officer, probation officer, the Texas Youth Council, or a detention facility for children,**or**
 - b. Was voluntarily absent from

home without the consent of a parent or guardian for a substantial period or with no intent to return.

4. Document any attempts (or lack of attempts) by the suspect to notify law enforcement, the child's home, or relevant authorities within 24 hours after discovering the child's situation. (Note: This could affect whether a legal defense applies.)

Section 25.07. Violation of Certain Court Orders or Conditions of Bond in a Family Violence, Child Abuse or Neglect, Sexual Assault or Abuse, Indecent Assault, Stalking, or Trafficking Case

Class A Misdemeanor (may be enhanced to State Jail Felony or Third Degree Felony under certain circumstances)

Articulate the following:

General Requirement:

1. Explain how the defendant knowingly or intentionally violated a court order or bond condition related to a case involving family violence, child abuse or neglect, sexual assault or abuse, indecent assault, stalking, or trafficking.
2. Document the type of order or condition violated (e.g., protective order, bond condition) and its legal source (e.g., Family Code, Code of Criminal Procedure).
3. Explain how the order or condition was related to the

Title 7 - Offenses Against Property

ARSON, CRIMINAL MISCHIEF, AND OTHER PROPERTY DAMAGE OR DESTRUCTION

Section 28.02. Arson

Offense Levels Vary (See
Breakdown Below)

Articulate the following:

Section (a)(1): Arson – Open- Space Land

Felony of the Second Degree

1. Describe how the suspect started a fire or caused an explosion (regardless of whether it continued to burn).
2. Explain how the fire or explosion was intended to damage or destroy vegetation, a fence, or a structure located on open-space land (undeveloped or rural property).

Section (a)(2): Arson – Building, Habitation, or Vehicle

*Felony of the Second Degree (First
Degree if injury/death occurs or
target is a habitation/place of
worship)*

Articulate the following,
choosing all that apply:

1. Describe how the suspect started a fire or caused an explosion.

2. Explain how the fire or explosion was intended to damage or destroy a building, habitation, or vehicle.
3. Document whether the suspect knew the property:
 - Was inside city or town limits;
 - Was insured;
 - Was subject to a mortgage or security interest;
 - Belonged to someone else;
 - Contained property belonging to someone else.
4. Explain if the suspect was reckless about whether the fire or explosion could endanger someone's life or another's property.

Section (a-1): Arson During Drug Manufacturing

*State Jail Felony (Third Degree if
injury or death occurs)*

1. Describe how the suspect started a fire or caused an explosion while manufacturing or attempting to manufacture a controlled substance.
2. Document the resulting damage to any building, habitation, or vehicle.
3. Document whether anyone suffered bodily injury or death due to the fire or explosion.

Section (a-2): Reckless Fire Causing Damage or Injury

State Jail Felony

1. Describe how the suspect intentionally started a fire or caused an explosion.
2. Explain how the act recklessly damaged or destroyed a building belonging to someone else.

3. Document whether anyone was recklessly caused to suffer bodily injury or death.

Additional Considerations (Do Not Articulate Unless Relevant):

- If applicable, verify whether the fire was part of a permitted controlled burn (Section a(1) exception).
- For city-related fires, check if the suspect had proper permits or written authorization (Section a(2)(A) defense).

Section 28.03. Criminal Mischief

Penalties:

- **Class C Misdemeanor:** Loss under \$100 or causes substantial inconvenience.
- **Class B Misdemeanor:** Loss of \$100–\$749.
- **Class A Misdemeanor:** Loss of \$750–\$2,499 or public water supply tampering.
- **State Jail Felony:** Loss of \$2,500–\$29,999; certain protected properties (e.g., habitation, fence, place of worship, school, motor vehicle, public services).
- **Third Degree Felony:** Loss of \$30,000–\$149,999 or damage to livestock, ATM, power supply, or transportation communications equipment.
- **Second Degree Felony:** Loss of \$150,000–\$299,999.
- **First Degree Felony:** Loss of \$300,000+ or livestock damaged by intentional disease exposure.

Articulate the following:

If the suspect damaged or destroyed property (Sec. 28.03(a)(1)):

1. Describe how the suspect intentionally or knowingly damaged or destroyed the victim's tangible property (e.g., broke, smashed, burned, defaced).
2. Document that the suspect acted without the owner's effective consent (e.g., refusal, lack of permission, unauthorized entry).
3. Explain the value of the damage or destruction (pecuniary loss), and describe how it was determined (e.g., estimates, receipts, repair costs).
4. Detail any special conditions, if applicable:
 - Property was a **habitation** and damaged by firearm or explosive.
 - Property was a **fence** used for livestock or game.
 - Property included **public infrastructure** (e.g., water, gas, power, transportation, communication).
 - Property was a **motor vehicle** and damage occurred during catalytic converter theft.
 - Damage was to a **school, place of worship, monument, cemetery, or community center**.
 - Property was **livestock** harmed by introducing disease.

If the suspect tampered with property and caused loss or inconvenience (Sec. 28.03(a)(2)):

1. Describe how the suspect intentionally or knowingly tampered with the tangible

property (e.g., interfered with, altered, bypassed, damaged parts).

2. Document the pecuniary loss or explain the substantial inconvenience caused to the owner or third party (e.g., delayed services, loss of access, repairs).
3. Document that the tampering occurred without the owner's effective consent.
4. Detail any special condition, if applicable:
 - Tampering involved **public utilities** (e.g., gas, water, power, communication).
 - Tampering involved **automated teller machines** (ATMs).
 - Tampering involved **transportation communication equipment or devices**.
 - Tampering was done to **school, place of worship**, or other protected site.
 - Tampering benefited the suspect through **unauthorized service usage** (e.g., bypassing meters).

If the suspect made markings on property (Sec. 28.03(a)(3)):

1. Describe how the suspect intentionally or knowingly made markings on the victim's tangible property (e.g., wrote graffiti, painted slogans, scratched initials).
2. Document that the marking was made without the owner's effective consent.
3. Explain the type of marking and the surface it was made on.

4. Estimate the cost to remove or repair the marking (pecuniary loss).

If multiple acts were part of a continuing scheme:

1. Document how the criminal mischief occurred as part of a continuing course of conduct (e.g., serial tagging, repeated utility tampering).
2. Aggregate the pecuniary loss from all incidents to determine the offense level.
Use clear descriptions and specific evidence to support each element (e.g., witness statements, photos, videos, repair invoices, utility records).

Section 28.04. Reckless Damage or Destruction

Class C Misdemeanor
Articulate the following:

1. Describe how the defendant damaged or destroyed property (e.g., broke, smashed, dented, burned).
 2. Explain how the defendant acted recklessly (e.g., aware of but disregarded a substantial and unjustifiable risk that damage would occur).
 3. Document that the property belonged to someone else.
 4. Document that the damage or destruction occurred without the effective consent (permission) of the property's owner.
-

**Section 28.07. Interference
With Railroad Property**

Penalties:

- Class C Misdemeanor –
Unlawful entry or remaining on
railroad property (b)(2)(A), or
minor
tampering/obstruction/derailme
nt causing less than \$100 loss
- Class B Misdemeanor –
Throwing object or firing at a
train with no injury (b)(1), or
tampering/obstruction/derailme
nt causing \$100–\$749 loss
- Class A Misdemeanor –
Tampering/obstruction/derailme
nt causing \$750–\$2,499 loss
- State Jail Felony –
Tampering/obstruction/derailme
nt causing \$2,500–\$29,999 loss
- Third Degree Felony –
Throwing object or firing at a
train causing injury, or
tampering/obstruction/derailme
nt causing \$30,000–\$149,999
loss
- Second Degree Felony –
Tampering/obstruction/derailme
nt causing \$150,000–\$299,999
loss
- First Degree Felony –
Tampering/obstruction/derailme
nt causing \$300,000 or more loss

Articulate the following:

**If the person threw an object or
discharged a weapon at a train
or rail-mounted equipment
(Section b(1)):**

1. Describe how the person threw
an object or fired a weapon at a

train or rail-mounted work
equipment.

2. Document whether anyone was
injured as a result (to determine
offense level).

**If the person entered or
remained on railroad property
without consent (Section
b(2)(A)):**

1. Describe how the person
entered or remained on the
railroad property.
2. Explain how the person knew it
was railroad property (e.g.,
posted signs, fencing, markings).
3. Document that the person did
not have the effective consent of
the railroad owner.

**If the person tampered with
railroad property without
consent (Section b(2)(B)):**

1. Describe how the person moved,
altered, or interfered with
railroad property (e.g.,
equipment, tracks, safety
devices).
2. Document that the person did so
without the effective consent of
the railroad owner.
3. Document the amount of any
pecuniary loss caused by the
tampering (if applicable).

**If the person placed an
obstruction on a railroad track
or right-of-way without consent
(Section b(2)(C)):**

1. Describe the object or
obstruction placed on the
railroad track or right-of-way.
2. Explain how the person placed it
without the effective consent of
the railroad owner.

3. Document the amount of any pecuniary loss resulting from the obstruction (if applicable).

If the person caused a derailment without consent (Section b(2)(D)):

1. Describe how the person caused the derailment of a train, railroad car, or other rail-mounted property.
2. Document that the person acted without the effective consent of the railroad owner.
3. Document the amount of any pecuniary loss resulting from the derailment.

If the person is a railroad employee or union representative acting under the Railway Labor Act:

1. Confirm whether the person was a railroad employee or a union representative acting within their legal rights under the Railway Labor Act (45 U.S.C. § 151 et seq.)—if so, the conduct is not an offense under this section.

Section 28.08. Graffiti

Penalties:

- **Class C Misdemeanor** – if pecuniary loss is less than \$100
- **Class B Misdemeanor** – if pecuniary loss is \$100 or more but less than \$750
- **Class A Misdemeanor** – if pecuniary loss is \$750 or more but less than \$2,500
- **State Jail Felony** – if pecuniary loss is \$2,500 or more but less than \$30,000

- **Third Degree Felony** – if pecuniary loss is \$30,000 or more but less than \$150,000
- **Second Degree Felony** – if pecuniary loss is \$150,000 or more but less than \$300,000
- **First Degree Felony** – if pecuniary loss is \$300,000 or more
- **State Jail Felony (regardless of loss amount)** – if property marked is a school, higher education institution, place of worship or burial, public monument, or qualifying community center, and loss is \$750 or more but less than \$30,000

Articulate the following:

1. Describe how the suspect intentionally or knowingly made markings (e.g., inscriptions, slogans, drawings, or paintings) on another person's tangible property.
2. Document that the suspect used one of the following to make the markings:
 - Paint (including aerosol paint)
 - An indelible marker (ink or paint that is difficult to remove)
 - An etching or engraving device (tool that scratches or carves into surfaces)
3. Explain that the property owner did not give effective consent for the marking.
4. Document the type of property that was marked (e.g., building wall, vehicle, sign, monument).
5. Estimate or document the pecuniary loss caused by the

Title 8 - Offenses Against Public Administration

BRIBERY AND CORRUPT INFLUENCE

Section 36.02. Bribery

Second Degree Felony

Articulate the following:

If the suspect gave or promised a benefit:

1. Describe how the suspect offered, gave, or promised a benefit to another person.
2. Explain that the suspect acted intentionally or knowingly (i.e., aware of their actions and intent).
3. Explain that the benefit was offered in exchange for one of the following:
 - A decision, opinion, vote, recommendation, or other exercise of discretion by a public servant, party official, or voter.
 - A decision, vote, recommendation, or other official act in a judicial or administrative proceeding.
 - A violation of a legal duty by a public servant or party official.

If the suspect received or agreed to receive a benefit:

4. Describe how the suspect requested, accepted, or agreed to accept a benefit from another person.
5. Explain that the suspect acted intentionally or knowingly.

6. Explain that the benefit was accepted in exchange for one of the following:
 - A decision, opinion, vote, recommendation, or other exercise of discretion by the suspect as a public servant, party official, or voter.
 - A decision, vote, recommendation, or other official act by the suspect in a judicial or administrative proceeding.
 - A violation of a legal duty by the suspect as a public servant or party official.

If the benefit involved a political contribution or lobbying expenditure:

7. Explain that the benefit was a political contribution or a reported lobbying expenditure that was tied to a specific agreement to take or withhold official action.
8. Document direct evidence of the express agreement (such as statements, texts, or recordings), as it is required to prove this offense under this subsection.

Additional points (as needed):

9. Explain that it does not matter if the person being influenced lacked authority or had not yet assumed office.
10. Explain that it does not matter if the benefit was given or accepted after the official act occurred or after the person left office.

Section 36.03. Coercion of Public Servant or Voter

Class A Misdemeanor (or Third Degree Felony if the coercion includes a threat to commit a felony)

**Articulate the following:
If the target is a public servant:**

1. Describe how the defendant used coercion (e.g., threats, pressure, intimidation, or undue influence).
2. Explain how the defendant influenced or attempted to influence the public servant's specific use of official power, specific performance of duty, or influenced the public servant to violate a known legal duty.
3. Document the public servant's role and what official power, duty, or legal obligation was involved.

If the target is a voter:

1. Describe how the defendant used coercion to influence or attempt to influence the voter.
2. Explain how the defendant tried to prevent the voter from voting or pressured the voter to vote in a specific way.
3. Document the nature of the threat or pressure used (especially if it included a threat to commit a felony).

(Note: Do not apply this statute if the coercive act was an official action taken by a member of a governing body during

deliberations or other official conduct.)

Section 36.04. Improper Influence

Class A Misdemeanor
Articulate the following:

1. Describe how the suspect privately communicated with a public servant (e.g., through a message, phone call, or face-to-face conversation).
2. Explain that the public servant was involved in, or would be involved in, an adjudicatory proceeding (a legal process where rights or duties of specific parties are decided).
3. Explain how the suspect intended to influence the outcome of the proceeding.
4. Explain that the suspect's attempt to influence was based on considerations not authorized by law (e.g., personal favors, bribes, threats, or irrelevant personal appeals).

Section 36.05. Tampering With Witness

Level of Offense:

- **Third Degree Felony**
- **Same level as the most serious offense charged** if related to a criminal prosecution
- **First Degree Felony** if the most serious offense charged is a capital felony
- **Greater of:**
 - **Third Degree Felony**, or
 - **Same level as the most serious**

offense charged if the proceeding involves **family violence**

- **Greater of:**
 - **Second Degree Felony**, or
 - **Same level as the most serious offense charged** if the proceeding involves family violence **and** the defendant has a **prior family violence conviction**

Articulate the following:

If the suspect is the person attempting to influence a witness:

1. Describe how the suspect offered, gave, or promised any benefit (e.g., money, favor, service) to a witness or prospective witness in an official proceeding.
2. Explain that the suspect acted with the intent to influence the witness's behavior.
3. Describe how the suspect attempted to get the witness to do any of the following:
 - Testify falsely.
 - Withhold testimony, information, documents, or items.
 - Avoid legal process requiring them to testify or provide evidence.
 - Fail to appear at an official proceeding they were legally required to attend.
 - Stop, delay, or refuse to prosecute another person.

If the witness is the suspect:

4. Describe how the witness or prospective witness asked for, accepted, or agreed to accept any benefit.
5. Explain that the witness did so knowingly in exchange for doing any of the actions listed above (e.g., lying, withholding evidence, evading court, etc.).

If family violence is involved:

6. Document if the suspect committed an act of family violence (e.g., physical harm, threats) against a witness or prospective witness.
7. Explain how the violence was used to try to prevent the witness from testifying or complying with legal requirements.
8. Document if the suspect has a prior conviction for family violence (if applicable).

Section 36.06. Obstruction or Retaliation

Penalty: Third Degree Felony Enhanced to Second Degree Felony if:

- The victim was targeted for serving as a juror, **or**
- The online posting caused bodily injury to a public servant or their family/household member.

Articulate the following:

For Subsection (a)(1): Retaliation

1. Describe how the suspect intentionally or knowingly harmed or threatened to harm someone (use quotes, witness statements, or actions).
2. Explain that the harm or threat was in retaliation for the person's service or status as one of the following:
 - A public servant (including peace officers and retired peace officers),
 - A witness or prospective witness,
 - An informant (someone who gave information to the government), or
 - A person who reported or was known to be intending to report a crime.

**For Subsection (a)(2):
Obstruction**

3. Describe how the suspect intentionally or knowingly harmed or threatened to harm someone (include how and when it occurred).
4. Explain that the purpose of the harm or threat was to prevent or delay the person's service or status as one of the following:
 - A public servant (including peace officers and retired peace officers),
 - A witness or prospective witness,
 - An informant, or
 - A person who reported or was known to be intending to report a crime.

**For Subsection (a-1): Posting
Private Information of a Public
Servant**

5. Describe how the suspect posted the residence address or phone number of a public servant (or their family or household member) on a publicly accessible website.
6. Explain that the suspect knew the person was a public servant or related to one.
7. Explain how the posting was intended to cause harm or a threat of harm as retaliation for the person's service or status as a public servant.
8. Document if the posting led to bodily injury to the public servant or their family/household member (include medical reports or witness accounts if available).

**For Prima Facie Evidence under
Subsection (d):**

9. Document whether the public servant (or related individual) gave a written demand to the suspect asking to remove the posted address or phone number.
10. Explain whether the suspect failed to remove the information within 48 hours of the request, or reposted/made it public again within four years after the request.
(Note: If either of these occurs, it may support proving the intent to cause harm or threat.)

**Section 36.07. Acceptance of
Honorarium**

Class A Misdemeanor

Articulate the following:

1. Describe how the person was acting as a public servant (e.g., government employee, elected official, or someone performing official duties).
2. Describe how the public servant solicited, accepted, or agreed to accept a payment or gift (honorarium).
3. Explain that the honorarium was offered in return for services that were only requested because of the public servant's official position or duties (e.g., speeches, appearances, consultations tied to their role).
4. Document that the service provided was not part of an allowable exception, such as participating in a conference or seminar where their involvement was more than minimal (not just showing up or briefly speaking).
5. Document that the payment was not solely for transportation, lodging, or meals in connection with such an event.

**Section 36.08. Gift to Public
Servant by Person Subject to
His Jurisdiction**

Class A Misdemeanor

Articulate the following:

**For regulatory, inspection, or
investigation roles (Subsection
a):**

1. Describe the public servant's role in regulation, inspection, or investigation.
2. Explain how the person offering the benefit was subject to that regulation, inspection, or investigation.
3. Document that the public servant solicited, accepted, or agreed to accept a benefit from that person.

**For custody of prisoners
(Subsection b):**

1. Describe the public servant's role in an agency with custody of prisoners.
2. Explain how the person offering the benefit was in the custody of the public servant or their agency.
3. Document that the public servant solicited, accepted, or agreed to accept a benefit from that person.

**For civil or criminal litigation
roles (Subsection c):**

1. Describe the public servant's involvement in civil or criminal litigation on behalf of the government.
2. Explain how the person offering the benefit was involved in litigation pending or contemplated by the public servant or their agency.
3. Document that the public servant solicited, accepted, or

Title 9 - Offenses Against Public Order and Decency

DISORDERLY CONDUCT AND RELATED OFFENSES

Section 42.01. Disorderly Conduct

Class C Misdemeanor (unless noted otherwise)

Articulate the following:

Abusive Language Likely to Incite Violence

1. Describe the exact language used by the person in a public place.
2. Explain how the language, by its very nature, was likely to provoke an immediate breach of the peace (e.g., started a fight, triggered a crowd reaction).

Offensive Gesture or Display

3. Describe the gesture or visual display made in a public place
4. Explain how the gesture or display was likely to provoke an immediate violent response.

Noxious Odor

5. Describe how the person created an offensive smell using chemicals (e.g., stink bomb, chemical spray).
6. Document where this occurred and why the odor was unreasonable for the setting.

Abusive or Threatening Behavior

7. Detail what the person said or did that was clearly abusive or threatening in a public place.
8. Explain how it was obviously offensive and unprovoked.

Unreasonable Noise

9. Document the noise (e.g., music, yelling) and how it was unreasonable (time of day, volume, setting).
10. Explain whether the location was public or near a private residence the person had no right to occupy.
11. Note if the person was warned by law enforcement that the noise was a public nuisance.

Fighting in Public

12. Describe the physical altercation that occurred in a public place.
13. Explain the extent of the fight and how it disrupted public order.

Discharging a Firearm in Public (Class B Misdemeanor)

14. Document how the person discharged a firearm in a public place (not a road or shooting range).
15. Include statements, shell casings, witness reports, or video if available.

Displaying a Firearm to Alarm (Class B Misdemeanor)

16. Describe how the person displayed the firearm or deadly weapon in a way that was clearly meant to cause alarm (e.g.,

pointing it, brandishing it in a crowd).

Discharging a Firearm Across a Public Road

17. Document how and where the person fired a gun across a public road.
18. Note if there was any justification, such as defense against a dangerous wild animal.

Indecent Exposure in Public

19. Describe how the person exposed their anus or genitals in a public place.
20. Explain how the person acted recklessly about others being present and possibly offended.

Peeping or Voyeurism for a Lewd or Unlawful Purpose

21. Describe how the person entered or remained on someone else's property and looked into a dwelling, hotel room, bathroom, shower, or changing area.
22. Explain how the conduct was for a lewd or unlawful reason.

Special Notes:

- Explain how the conduct occurred in a public place or near a private residence, even if indirect (e.g., noise from a party heard across the street).
- If dealing with students under 12, confirm the location and time (e.g., public school during class hours) to determine if the exception applies.
- If the person claimed a wild animal threat as justification for firearm use, document the

circumstances and any signs of danger.

Section 42.02. Riot

Class B Misdemeanor (or same level as a higher offense committed during the riot)

Articulate the following:

1. Describe how seven or more people were assembled at the scene during the incident.
2. Explain how the group's conduct caused at least one of the following:
 - Immediate danger of injury to people or damage to property,
 - Substantial obstruction of law enforcement or government operations,
 - Use of force, threat, or physical action to take away or disturb someone's legal rights.
3. Describe the defendant's actions that show they knowingly participated in the riot (e.g., joined group actions, refused to disperse, engaged in group chanting while destruction occurred).
4. Document any additional crimes committed during the riot and explain how those offenses were in furtherance of the riot or should have been anticipated (e.g., looting, assault, vandalism).
5. If the defendant withdrew from the riot:
 - Explain how and when the person left the group (if claiming a defense under subsection (c)).

Section 42.03. Obstructing Highway or Other Passageway

Class B Misdemeanor
(Enhanced to Class A Misdemeanor or State Jail Felony in Certain Circumstances)

Articulate the following:

1. Describe how the defendant intentionally, knowingly, or recklessly blocked or restricted movement on a public passageway (e.g., road, sidewalk, entrance, hallway, hospital access point).
2. Explain how the obstruction made passage impassable, unreasonably inconvenient, or hazardous (e.g., pedestrians unable to pass, traffic backed up, emergency vehicle blocked).
3. Document any orders given by law enforcement, fire personnel, or authorized individuals to move or clear the area and whether the defendant failed to comply.
4. Explain whether the defendant had any legal authority or privilege to block the area (e.g., permit for protest, emergency situation).
If applicable, additionally articulate the following for enhancements:

For State Jail Felony (under subsection c-1):

5. Describe how the obstruction interfered with:

- An authorized emergency vehicle using lights/sirens, or
- Access to a hospital or emergency care facility.

For Class A Misdemeanor (subsection d):

6. Describe how the defendant was operating a motor vehicle while engaging in a reckless driving exhibition (e.g., burnouts, doughnuts, tire spinning in front of a crowd).

For State Jail Felony (subsection e):

7. Explain how the defendant's reckless driving exhibition was aggravated by at least one of the following:
 - A prior conviction for the same offense,
 - Driving while intoxicated at the time,
 - Causing bodily injury.

Important definitions to clarify in your report:

- "Obstruct" means to make impassable or unreasonably inconvenient or hazardous.
- "Reckless driving exhibition" means spinning rear tires, breaking traction, or rotating the vehicle in front of spectators.

Section 42.05. Disrupting Meeting or Procession

Class B Misdemeanor

Articulate the following:

1. Describe the lawful meeting, procession, or gathering that was

- taking place (e.g., city council meeting, religious service, public demonstration).
2. Explain how the defendant obstructed or interfered with the event using physical actions or verbal statements (e.g., shouting over speakers, blocking participants, rushing the stage).
 3. Document that the defendant acted with the intent to prevent or disrupt the event (e.g., statements made by the defendant, timing of the disruption, prior warnings).
 4. Explain how the disruption affected the event's ability to proceed as planned (e.g., delay, cancellation, confusion, or forced removal of the individual).

Section 42.055. Funeral Service Disruptions

Class B Misdemeanor
Articulate the following:

1. Describe the type of funeral service taking place (e.g., ceremony, viewing, procession) and identify the location as a facility or cemetery used for that service.
2. Document the specific time the service was scheduled and completed to establish the three-hour window before and after the service.
3. Explain how the defendant engaged in picketing (e.g., carrying signs, using amplified sound, chanting, blocking access).

4. Document that the defendant's picketing occurred within 1,000 feet of the funeral service location during the prohibited time period.

Section 42.06. False Alarm or Report

Class A Misdemeanor
(State Jail Felony if it involves public services or schools)

Articulate the following:

1. Describe the false report made by the defendant (e.g., claimed there was a bomb, fire, or other emergency).
2. Explain how the defendant knew the report was false or baseless (e.g., admission, evidence contradicting the report, lack of any emergency).
3. Detail the impact or likely impact of the false report, by showing one or more of the following:
 - It caused or was likely to cause a response by emergency services.
 - It placed a person in fear of imminent serious bodily injury.
 - It disrupted or prevented the use of a building, public space, or vehicle.
4. If applicable, explain how the false report involved a critical service or location, such as:
 - A public/private school or institution of higher education.
 - Public utilities (water, gas, power), public communication, or transportation services.

Title 10 - Offenses Against Public Health, Safety, and Morals

WEAPONS

Section 46.02. Unlawful Carrying Weapons

Ranges from Class C Misdemeanor to Second Degree Felony

Articulate the following:

Unlawful Carrying of a Handgun – § 46.02(a):

Class A Misdemeanor

1. Describe how the suspect intentionally, knowingly, or recklessly carried a handgun on or about their person.
2. Document that the suspect:
 - Was under 21 years old, or
 - Had been convicted within the past 5 years of Assault (§ 22.01(a)(1)), Deadly Conduct (§ 22.05), Terroristic Threat (§ 22.07), or Disorderly Conduct (§ 42.01(a)(7) or (8)).
3. Confirm the suspect was not on their own premises, or directly en route to/from a vehicle or watercraft they owned or controlled.

Unlawful Carrying in a Vehicle or Watercraft – § 46.02(a-1):

Class A Misdemeanor

1. Describe how the suspect carried a handgun in plain view in a vehicle or watercraft.
2. Confirm that the suspect was under 21 or not licensed, and the handgun was not in a holster.

3. Alternatively, document if the suspect was:
 - Engaged in criminal activity other than a Class C traffic offense,
 - Prohibited by law from possessing a firearm.

Carrying a Location-Restricted Knife by a Minor – § 46.02(a-4):

Class C Misdemeanor

1. Describe how the suspect carried a location-restricted knife.
2. Confirm the suspect was under 18.
3. Document that the suspect was not:
 - On their own premises,
 - Inside/en route to their vehicle or watercraft,
 - Under supervision of a parent or guardian.

Displaying a Handgun in Public – § 46.02(a-5):

Class A Misdemeanor

1. Describe how the suspect intentionally displayed a handgun in plain view in a public place.
2. Confirm that the handgun was not in a holster (holstered display is not a crime under this subsection).

Carrying a Handgun While Intoxicated – § 46.02(a-6):

Class A Misdemeanor

1. Document that the suspect was carrying a handgun while intoxicated.
2. Confirm the suspect was not:

- On their own property or with the owner's consent,
- Inside or en route to a vehicle or watercraft they owned or had permission to be in.

Unlawful Carrying by Prohibited Persons – § 46.02(a-7):

- Second Degree Felony if prohibited under § 46.04(a)
 - Third Degree Felony if prohibited under § 46.04(b) or (c)
1. Describe how the suspect intentionally, knowingly, or recklessly carried a handgun.
 2. Confirm they were not on their own premises or in their vehicle/watercraft.
 3. Document that the suspect was prohibited from possessing a firearm under § 46.04 (due to felony conviction, protective order, or family violence conviction).

Section 46.03. Places Weapons Prohibited

Third Degree Felony (with some exceptions)

Articulate the following:

Unlawful Possession of a Weapon in a Prohibited Location – General Rule

Third Degree Felony

1. Describe how the suspect intentionally, knowingly, or recklessly possessed a firearm, club, location-restricted knife, or prohibited weapon.

2. Document the specific location where the weapon was carried or possessed. Include clear articulation of the following locations if applicable:
 - A school or postsecondary institution (including grounds, buildings, or vehicles under school control).
 - A polling place during an election or early voting.
 - A courthouse or court office.
 - A racetrack.
 - A secured area of an airport.
 - Within 1,000 feet of a designated execution site on the day of execution (and the suspect had notice).
 - A bar or business deriving 51%+ revenue from alcohol sales (verify TABC signage or license).
 - A stadium or arena during high school, college, or professional sporting events (unless a participant using a weapon in the event).
 - A correctional facility, civil commitment facility, hospital, nursing home, or mental hospital.
 - An amusement park.
 - The room(s) of an open government meeting with posted notice.

Handgun Display by a License Holder at a College Campus or Surrounding Areas – § 46.03(a-2)

Class A Misdemeanor

1. Describe how the license holder intentionally or knowingly displayed a handgun in plain view (even in a holster).
2. Confirm the display occurred:

- On a college campus, or
- On sidewalks, driveways, streets, parking lots, or garages of the institution.

Handgun Possession at a Private College Prohibiting Carry – § 46.03(a-3)

Class A Misdemeanor

1. Document how the license holder carried a handgun on a private/independent college campus.
2. Confirm that the college has rules prohibiting carry and that effective notice under § 30.06 was provided.

Handgun Possession in Prohibited Portion of College Campus – § 46.03(a-4)

Class A Misdemeanor

1. Explain how the license holder intentionally carried a concealed handgun on a portion of a public college campus where carry is prohibited by rule.
2. Confirm that effective notice under § 30.06 was given for that portion.

Defenses to Consider (if raised by the suspect or evidence):

- The person was an on-duty peace officer, soldier, prison guard, or commissioned security officer performing official duties.
- The weapon was checked as baggage before entering an airport secured area.
- The suspect exited the airport checkpoint immediately upon notification of possessing a handgun (and was licensed).

- The actor was in a vehicle on a public road or at their own residence or place of employment (for § 46.03(a)(6)).

Special Notes on Penalty Levels:

- Class C Misdemeanor: Carrying a location-restricted knife (except on school premises – then it's a felony).
- Class A Misdemeanor: Violations of §§ (a)(8), (a)(10), (a)(11), (a)(13), (a-2), (a-3), or (a-4).
- Third Degree Felony: All other subsections unless an exception applies.

Section 46.035. Unlawful Carrying of Handgun by License Holder

Class A Misdemeanor

Articulate the following:

1. Describe how the person was carrying a handgun under the authority of a handgun license (verify the individual is a license holder under Subchapter H, Chapter 411, Government Code).
2. Describe how the person intentionally displayed the handgun in plain view of another person in a public place.
3. Document whether the handgun was not carried in a holster or if it was not in a holster inside a motor vehicle.
4. If applicable, explain that the handgun was not partially or wholly visible in a holster (which would make it lawful), or not

lawfully displayed while in a motor vehicle.

Section 46.04. Unlawful Possession of Firearm

- Subsection (a): Third Degree Felony
- Subsections (a-1), (b), and (c): Class A Misdemeanor

Articulate the following:

If suspect is a convicted felon:

1. Describe how the suspect was found in possession of a firearm.
2. Document the suspect's prior felony conviction.
3. Explain whether the possession occurred within five years of the suspect's release from confinement or supervision (whichever was later).
4. If more than five years have passed, explain whether the firearm was possessed at a location other than the suspect's home.

If suspect is a gang member:

5. Document how the suspect was identified as a member of a criminal street gang.
6. Describe how the suspect intentionally, knowingly, or recklessly carried a handgun in a motor vehicle or watercraft.

If suspect was convicted of family violence

(Class A misdemeanor under Sec. 22.01):

7. Document how the suspect was found in possession of a firearm.
8. Describe the prior conviction for family violence and whether it involved a family or household member.
9. Explain whether the possession occurred within five years of release from confinement or community supervision.

If suspect is subject to a protective order:

10. Document that the suspect had received notice of the active protective order (e.g., family violence, emergency, or magistrate's order).
11. Explain how the suspect was found in possession of a firearm during the effective period of the protective order.

Section 46.041. Unlawful Possession of Metal or Body Armor by Felon

Third Degree Felony

Articulate the following:

1. Document that the suspect has a prior felony conviction.
2. Describe how the suspect was found in possession of metal or body armor (e.g., bulletproof vest, ballistic plates, tactical gear).
3. Explain how the armor is designed, made, or adapted specifically to protect against gunfire (e.g., labeling, manufacturer specifications, officer training or experience).

Title 11 – Organized Crime

ORGANIZED CRIME

Section 71.02. Engaging in Organized Criminal Activity

Level of Offense: One category higher than the most serious offense committed (or enhanced as described in statute)

Articulate the following:

1. Explain how the defendant intended to establish, maintain, or participate in a criminal combination (an ongoing group of three or more persons who collaborate in criminal activities).
2. Explain how the defendant intended to gain profits from a criminal combination.
3. Explain how the defendant acted as a member of a criminal street gang or foreign terrorist organization.
4. Describe how the defendant committed or conspired to commit at least one of the following offenses (list the specific offense involved):
 - Murder or Capital Murder
 - Arson
 - Aggravated Robbery or Robbery
 - Burglary or Burglary of a Motor Vehicle
 - Theft or Unauthorized Use of a Motor Vehicle
 - Aggravated Kidnapping or Kidnapping
 - Aggravated Assault or Assault (Class A misdemeanor)
 - Aggravated Sexual Assault or Sexual Assault
 - Continuous Sexual Abuse of a Young Child or Disabled Individual
 - Solicitation of a Minor
 - Forgery
 - Deadly Conduct
 - Gambling Offense (Class A misdemeanor)
 - Promotion, Aggravated Promotion, or Compelling Prostitution
 - Unlawful Manufacture, Transport, Repair, or Sale of Firearms or Prohibited Weapons
 - Unlawful Manufacture, Delivery, Dispensation, Distribution, or Possession (by deception or with intent to deliver) of Controlled Substances or Dangerous Drugs
 - Causing Unlawful Delivery of Controlled Substances (Occupations Code violation)
 - Possession with Intent to Deliver a Controlled Substance or Dangerous Drug
 - Possession with Intent to Deliver Controlled Substance from Penalty Group 1-B
 - Wholesale Promotion or Possession of Obscene Material or Devices
 - Any offense involving sexual conduct toward a child under 18 (Chapter 43, Subchapter B)
 - Any felony under Chapter 32 (Fraud)
 - Any offense under Chapters 34 (Money Laundering), 35, or 35A (Insurance or Medicaid Fraud)
 - Any offense under Chapter 36 (Bribery, etc.)

- Tampering with Governmental Records (Section 37.10)
- Impersonating a Public Servant (Section 37.11(a))
- Smuggling of Persons or Trafficking (Chapter 20A)
- Hindering Apprehension, Escape, or Prosecution (Sections 38.06, 38.07, 38.09, or 38.11)
- Dog Fighting (Section 42.10)
- Weapons Offenses (Section 46.06(a)(1) or 46.14)
- False Caller Identification (Section 16.02)
- Hindering Proceeds or Gambling Promotion (Section 42.03(d) or (e))
- Felony Criminal Mischief (Section 28.03(b)(4)(E))
- Deceptive Trade Practices (Section 31.21(d))
- Any felony under the Tax Code
- Racing on a Highway involving injury or death (Section 545.420)
- 5. Explain how the defendant either committed the listed offense or took substantial steps to help commit it as part of the group's criminal purpose.
- 6. If the defendant conspired to commit the offense (but did not complete it), explain the nature of the agreement and how the defendant intended for the crime to occur.
- 7. Document any affiliation the defendant had with a criminal street gang or foreign terrorist organization.
- 8. Document any use or display of a deadly weapon during the offense (if applicable, as this may enhance the charge).

Section 71.021. Violation of Court Order Enjoining Organized Criminal Activity

Misdemeanor

Articulate the following:

1. Describe the specific conduct the defendant engaged in that violated the court order.
2. Document that the court order being violated was issued under Section 125.065(a) or (b) of the Civil Practice and Remedies Code (e.g., include order details or case number).
3. Explain how the defendant knew about the court order at the time of the violation (e.g., prior service, verbal notice, or documentation).
4. Detail how the violation occurred after the court issued the order and while it was still in effect (e.g., date and timing of violation relative to order status).

Section 71.022. Coercing, Inducing, or Soliciting Membership in a Criminal Street Gang or Foreign Terrorist Organization

Felony

Articulate the following:

For adults or general recruitment:

1. Describe how the suspect knowingly caused, enabled, encouraged, recruited, or

solicited another person to join a criminal street gang or foreign terrorist organization.

2. Explain that the group required the person to commit a crime (Class A misdemeanor or felony) as a condition of initiation, admission, membership, or continued membership.

For recruitment involving a child:

1. Describe how the suspect intended to coerce, induce, or solicit a child (under 17 years old) to actively participate in the activities of a criminal street gang or foreign terrorist organization.
2. If applicable, document how the suspect threatened the child or a member of the child's family with imminent bodily injury.
3. If applicable, document how the suspect caused bodily injury to the child or a member of the child's family.
(Include the child's age and relationship between the child and the person harmed, if relevant.)

Section 71.023. Directing Activities of Criminal Street Gangs or Foreign Terrorist Organizations

Felony

Articulate the following:

1. Describe how the suspect held a leadership role in a criminal street gang or foreign terrorist organization (e.g., rank, title,

influence, or decision-making authority).

2. Explain how the suspect knowingly financed, directed, or supervised the commission of a qualifying offense (e.g., provided money, gave orders, or oversaw criminal actions).
3. Document the specific felony offense committed or conspired to be committed by members of the gang or organization, and confirm it falls into at least one of these categories:
 - A felony listed in Article 42A.054(a) of the Code of Criminal Procedure (e.g., aggravated robbery, sexual assault, kidnapping).
 - A felony involving the use or display of a deadly weapon (during the offense or flight from it).
 - A drug offense listed under Sections 481.112(e) or (f), 481.1121(b)(4), 481.1123(d), (e), or (f), 481.115(f), or 481.120(b)(6) of the Health and Safety Code (e.g., large-scale trafficking or manufacturing of controlled substances).
4. Detail how the offense was committed or conspired to be committed by members of the gang or organization under the suspect's leadership.
5. Explain how the suspect's actions were done knowingly (i.e., the suspect was aware of their role and the nature of the offense).

Title 12 - Terrorism

TERRORISTIC OFFENSES

Section 76.02. Terrorism

Level of Offense: One category higher than the most serious underlying offense (see statute for specific sentencing adjustments)

Articulate the following:

1. Describe how the defendant either committed or conspired to commit one of the following crimes:
 - Murder, capital murder, or manslaughter (Chapter 19)
 - Unlawful restraint (Section 20.02)
 - Kidnapping (Section 20.03)
 - Trafficking of persons (Section 20A.02)
 - Aggravated assault (Section 22.02)
 - Aggravated sexual assault (Section 22.021)
 - Deadly conduct (Section 22.05), if charged as a felony
 - Terroristic threat (Section 22.07), if charged as a felony
 - Tampering with consumer products (Section 22.09)
 - Arson (Section 28.02)
 - Criminal mischief (Section 28.07), if charged as a felony
 - Aggravated robbery (Section 29.03)
 - Hindering investigation of a violent crime (Section 38.152), if charged as a felony

- Possession or use of a chemical dispensing device (Section 46.08)
2. Explain how the defendant intended to either:
 - Intimidate or coerce the public or a substantial group of the public, **or**
 - Influence the policy, conduct, or activities of Texas, a political subdivision of Texas, or the United States through intimidation or coercion.
 3. Document any statements, actions, plans, or communications by the defendant that show this specific intent (e.g., manifestos, verbal threats, symbolic targets, coordinated attacks).
 4. Detail how the targeted offense and the intent were connected (e.g., the crime was carried out in a way meant to spread fear or pressure a government response).

Section 76.03. Aiding in Commission of Terrorism

Level of Offense: Same degree as the terrorism offense committed under Section 76.02

Articulate the following:

1. Describe how the suspect raised, solicited, collected, or provided material support or resources (e.g., money, equipment, personnel, or services).

2. Explain how the suspect acted intentionally (i.e., did so on purpose, not by accident).
3. Explain that the suspect knew or intended that the support or resources would be used to help commit a terrorism offense (under Section 76.02).
4. Describe how the support or resources were intended to be used—such as to plan, prepare, promote, supervise, or carry out a terrorism-related act.
5. Document any connection between the suspect's actions and the commission or attempted commission of a terrorism offense.

Section 76.04. Hindering Prosecution of Terrorism

Level of Offense: Same degree as the terrorism offense being hindered (Section 76.02 or 76.03)

Articulate the following:

1. Describe how the suspect acted with the intent to hinder the arrest, prosecution, conviction, or punishment of another person accused of terrorism (Section 76.02 or 76.03).

If the suspect harbored or concealed the person:

2. Describe how the suspect hid, sheltered, or concealed the person accused of terrorism.

If the suspect helped the person avoid arrest or escape:

3. Explain how the suspect provided or helped provide a way for the person to avoid arrest or escape (e.g., giving transportation, money, false documents).

If the suspect gave a warning:

4. Detail how the suspect warned the person about possible discovery or arrest (e.g., alerting them to police presence, sharing investigation details).

If the suspect tampered with evidence:

5. Document how the suspect altered, destroyed, or hid physical evidence that could help locate or arrest the person accused of terrorism.

Title 13 – Health and Safety Code

OFFENSES AND PENALTIES

Section 481.112. Offense: Manufacture or Delivery of Substance in Penalty Group 1

Level of Offense:

- State Jail Felony (less than one gram)
- Second Degree Felony (one gram to less than four grams)
- First Degree Felony (four grams to less than two hundred grams)
- Enhanced First Degree Felony (two hundred grams to less than four hundred grams)
- Enhanced First Degree Felony (four hundred grams or more)

Articulate the following:

1. **Describe how the suspect knowingly manufactured, delivered, or possessed with the intent to deliver a controlled substance** (Penalty Group 1 includes drugs such as heroin, cocaine, methamphetamine, etc.; use direct observations, admissions, or evidence like lab equipment, packaging materials, or distribution tools to support your description).
2. **Document that the substance is listed in Penalty Group 1** (e.g., based on field tests, lab results, or expert confirmation).
3. **Explain how the suspect's actions were not authorized under law** (e.g., no valid

prescription, DEA registration, or medical exception).

4. **Detail the total aggregate weight of the controlled substance, including adulterants and dilutants** (specify how the weight was determined and include lab results or scale readings).
5. **Classify the offense based on the weight:**
 - **State Jail Felony** – if less than 1 gram.
 - **Second Degree Felony** – if 1 gram or more but less than 4 grams.
 - **First Degree Felony** – if 4 grams or more but less than 200 grams.
 - **Enhanced First Degree Felony** – if 200 grams or more but less than 400 grams.
 - **Enhanced First Degree Felony** – if 400 grams or more.

Section 481.1121. Offense: Manufacture or Delivery of Substance in Penalty Group 1-A

Level of Offense:

- Fewer than 20 units: State Jail Felony
- 20 to 79 units: Second-Degree Felony
- 80 to 3,999 units: First-Degree Felony
- 4,000 or more units: Enhanced First-Degree Felony

Articulate the following:

1. **Describe how the suspect knowingly manufactured, delivered, or possessed with**

intent to deliver a controlled substance listed in Penalty Group 1-A (e.g., LSD). (“Knowingly” means the person was aware of their actions and the nature of the substance.)

2. **Document the specific type of controlled substance** involved. (Example: LSD on blotter paper, gel tabs, or in liquid form.)
3. **Explain how the substance was being manufactured, delivered, or intended for delivery.** (Look for tools, packaging materials, surveillance, or witness statements.)
4. **Detail the quantity of the substance involved**, using the number of abuse units. (An abuse unit typically refers to one dose, such as one tab of LSD.)
5. **Describe any evidence that shows the suspect intended to deliver the substance**, if not caught in the act. (Examples include possession of scales, packaging materials, or communication related to drug sales.)

**Section 481.1123. Offense:
Manufacture or Delivery of
Substance in Penalty Group 1-B**

Level of Offense:

- Third Degree Felony: Less than 1 gram
- Second Degree Felony: 1 gram to less than 4 grams
- First Degree Felony: 4 grams to less than 200 grams

- First Degree Felony: 200 grams to less than 400 grams
- First Degree Felony: 400 grams or more

Articulate the following:

1. **Describe how the suspect knowingly manufactured, delivered, or possessed with intent to deliver a controlled substance** (knowingly means the suspect was aware of their actions and the nature of the substance).
2. **Document that the substance is listed in Penalty Group 1-B** (e.g., fentanyl or related compounds—confirm through lab results or field tests).
3. **Detail how the suspect possessed the substance with the intent to deliver** (e.g., packaging, digital scales, large quantities, witness statements, or observed transactions).
4. **Explain the total aggregate weight of the substance including any adulterants or dilutants** (based on lab analysis or field testing documentation).
5. **Classify the appropriate felony level based on the total weight of the controlled substance:**
 - Less than 1 gram – Third Degree Felony
 - 1 gram to less than 4 grams – Second Degree Felony
 - 4 grams to less than 200 grams – First Degree Felony
 - 200 grams to less than 400 grams – First Degree Felony

- 400 grams or more – First Degree Felony

**Section 481.113. Offense:
Manufacture or Delivery of
Substance in Penalty Group 2 or 2-A**

Level of Offense:

- **Less than 1 gram:** State Jail Felony
- **1 gram to less than 4 grams:** Second Degree Felony
- **4 grams to less than 400 grams:** First Degree Felony
- **400 grams or more:** Enhanced First Degree Felony

Articulate the following:

1. **Describe how the suspect manufactured, delivered, or possessed with intent to deliver a controlled substance**
(Manufacturing includes creating or preparing the drug; delivery means transferring it to another person; possession with intent to deliver means holding it with the plan to sell or distribute.)
2. **Explain that the substance was classified in Penalty Group 2 or 2-A**
(Use field tests, lab reports, or expert confirmation to verify the drug type.)
3. **Document that the suspect acted knowingly**
(Establish that the suspect was aware of their actions related to the controlled substance.)
4. **Detail the total weight of the substance, including adulterants or dilutants**

(Use lab results or weighing documentation to categorize the offense level based on weight:)

- If less than 1 gram: State Jail Felony
- If 1 gram or more but less than 4 grams: Second Degree Felony
- If 4 grams or more but less than 400 grams: First Degree Felony
- If 400 grams or more: Enhanced First Degree Felony

**Section 481.114. Offense:
Manufacture or Delivery of
Substance in Penalty Group 3 or 4**

Level of Offense:

- **Less than 28 grams:** State Jail Felony
- **28 grams to less than 200 grams:** Second-Degree Felony
- **200 grams to less than 400 grams:** First-Degree Felony
- **400 grams or more:** Enhanced First-Degree Felony

Articulate the following:

1. **Describe how the suspect knowingly manufactured, delivered, or possessed with intent to deliver a controlled substance listed in Penalty Group 3 or 4 (e.g., codeine, diazepam, anabolic steroids, etc.).**
2. **Explain how the suspect's actions were not authorized by law (e.g., no valid prescription, not a licensed distributor, etc.).**
3. **Document the specific type of controlled substance involved**

and confirm it belongs to Penalty Group 3 or 4.

4. **Detail the total weight of the controlled substance, including adulterants or dilutants** (lab results or field test kits may be used to estimate weight before lab confirmation).

Specify the Weight Category to Determine the Offense Level:

- If the total weight is less than 28 grams:
 - Offense Level: State Jail Felony
- If the total weight is 28 grams or more but less than 200 grams:
 - Offense Level: Second-Degree Felony
- If the total weight is 200 grams or more but less than 400 grams:
 - Offense Level: First-Degree Felony
- If the total weight is 400 grams or more:
 - Offense Level: Enhanced First-Degree Felony

When documenting this offense, be sure to clearly indicate:

- The role of the suspect (e.g., manufacturer, courier, distributor),
- The manner in which delivery or intended delivery occurred (e.g., hand-to-hand sale, planned exchange, packaging suggesting distribution),
- How you established the suspect's knowledge and intent (e.g., statements, surveillance, packaging, scales, cash, communications).

Section 481.115. Offense: Possession of Substance in Penalty Group 1 or 1-B

Level of Offense:

- **State Jail Felony** – Less than 1 gram
- **Third Degree Felony** – 1 gram or more but less than 4 grams
- **Second Degree Felony** – 4 grams or more but less than 200 grams
- **First Degree Felony** – 200 grams or more but less than 400 grams
- **Enhanced First Degree Felony** – 400 grams or more

Articulate the following:

1. **Describe how the defendant knowingly or intentionally possessed a controlled substance** (the person was aware they had the substance and knew it was a controlled substance).
 2. **Explain that the substance was listed in Penalty Group 1 or 1-B** (e.g., heroin, fentanyl, cocaine—confirm with lab results or expert determination).
 3. **Document that the possession was not authorized** (the person did not have a valid prescription or lawful order from a medical practitioner).
- Break down by weight:**
- State Jail Felony**
(Amount: Less than 1 gram, including adulterants or dilutants)
4. **Detail the total weight of the substance as less than 1 gram** (include lab analysis and any adulterants/dilutants).
- Third Degree Felony**

(Amount: 1 gram or more but less than 4 grams)

5. Detail the total weight of the substance as at least 1 gram but under 4 grams (include lab analysis and any adulterants/dilutants).

Second Degree Felony

(Amount: 4 grams or more but less than 200 grams)

6. Detail the total weight of the substance as at least 4 grams but under 200 grams (include lab analysis and any adulterants/dilutants).

First Degree Felony

(Amount: 200 grams or more but less than 400 grams)

7. Detail the total weight of the substance as at least 200 grams but under 400 grams (include lab analysis and any adulterants/dilutants).

Enhanced First Degree Felony

(Amount: 400 grams or more)

8. Detail the total weight of the substance as 400 grams or more (include lab analysis and any adulterants/dilutants).

If the suspect qualifies for the Overdose Defense (ONLY for cases under 1 gram):

9. Document whether the suspect was the first to call for emergency help during an ongoing overdose emergency.
10. Explain whether the suspect stayed on scene and cooperated with medical and law enforcement personnel.
11. Alternatively, explain whether the suspect was the overdose

victim for whom help was requested.

If claiming the Overdose Defense, confirm none of the following exclusions apply:

12. Explain whether a peace officer was arresting the person or executing a warrant at the time of the call.
13. Describe whether the suspect was committing another disqualifying offense when the call was made.
14. Document whether the person has previous drug convictions or deferred adjudication under Chapters 481, 483, or 485.
15. Explain whether the suspect has successfully claimed this same defense before.
16. Detail whether the suspect requested overdose-related emergency aid in the last 18 months.

**Section 481.1151. Offense:
Possession of Substance in Penalty
Group 1-A**

Level of Offense:

- State Jail Felony (fewer than 20 abuse units)
- Third Degree Felony (20 to <80 abuse units)
- Second Degree Felony (80 to <4,000 abuse units)
- First Degree Felony (4,000 to <8,000 abuse units)
- First Degree Felony with enhanced penalty (8,000 or more abuse units)

Articulate the following:



SIMPLIFIED STATUTES

2025 Criminal Code

 **Blue to Gold**
Publications

This book is a helpful guide that simplifies state criminal statutes, making them easy to understand and apply. Designed specifically for police officers, prosecutors, legal educators, and police recruits, we translate complex legal statutes into an easy-to-understand and apply manner.

With this book, you will quickly grasp legal requirements, improve accuracy in report writing, and effectively communicate critical statutory elements in both the field and courtroom. Whether you're teaching, learning, or practicing law, this book will help you every step of the way.

SIMPLIFIED STATUTES

Texas Laws Made Easy



2025 Criminal Code

 **Blue to Gold**
Publications

Visit: [Bluetogold.com](https://www.bluetogold.com)

Training | Legal Updates | Free Webinars