

QUICK PENAL CODE REFERENCE

maroon text indicates new laws or 2023 amendments for crimes committed after August 31, 2023.

1ST DEGREE FELONIES (5-99 years + SO-10,000)

Agg. Assault [22.02(b)(1)-(3)] (see statute for factors)
 Agg. Kidnapping [20.04(c)] (no safe release)
 Agg. Online Prom. of Prostit. [43.041] (2nd or V-18)
 Agg. Promotion of Prostitution [43.04]
 Agg. Robbery [29.03]
 Agg. Sexual Assault [22.021] (min. 25 yrs w/child)
 Arson [28.02(a)(1)-(2)] (harm, or assembly/worship)
 Bigamy [25.01(e)(2)] (V-18)
 Burglary (habitation) [20.02(e)(1)] (see statute for factors)
 Compelling Prostitution [43.05]
 Continuous Sexual Abuse/Child [21.02] (min. 25 yrs)

Continuous Smuggling of Persons [20.067(f)-(g)] (risk of S&L or death, or victim <18)
 Continuous Trafficking/Persons [20A.03] (min. 25 yrs)
 Directing Activities of Criminal Street Gang [71.023(b)] (25-99 or life)
 Escape [18.064(a)] (DM or S&L)
 Fraud, Use/Poss. of Credit/Debit Info [32.315] (SO+)
 Fraud, Use/Poss. of ID Info [32.51(c)(4)] (SO+ IDn)
 Inj. to Child/Elderly/Disabled [22.04(e)-(f)] (see statute)
 Inbox, Assault (officer, judge) [49.09(b)-(2)(2)]

Inbox, Manslaughter [49.08(b), 49.09(b-2)] (officer, firefighter, EMS, judge)
 Mail Theft [31.20] (SO+ pos. & intent for ID theft)
 Murder [19.07(c)] (no sudden passion)
 Poss. of Child Porn [43.26] (2nd) or Poss. (3rd)
 Poss. of Prostitution (victim <18) [43.03(b)(2)]
 Sexual Assault [22.021(b)] (related to victim)
 Sexual Perf. by Child [43.25(b)-(c)] (V-14)
 Smuggling Persons [20.05] (w/incest, S&L, death)
 Tampering w/ Voting Machine [33.05(e)]
 Trafficking of Persons [20A.02(b)] (V-14 or death)

2ND DEGREE FELONIES (2-20 years + SO-10,000)

Abandon/Ender Child [22.041(e)] (imm. danger)
 Agg. Assault [22.02(b)]
 Agg. Kidnapping [20.04(d)] (voluntary safe release)
 Agg. Online Prom. of Prostit. [43.041]
 Arson [28.02(a)(1)-(2)] (see statute for factors)
 Assault [22.01(b)-(1), (b-2)] (PV 2d; suffocation/strangulation, officer or judge)
 Bestiality (S&L or death of animal) [21.09]
 Bigamy [25.01(e)(1)] (V-17)
 Burglary [20.02(e)(2)] (habitation)
 Continuous Smuggling of Persons [20.06(e)]
 Cruelty to Animals [42.09(c-1)] (2nd)
 Custody Transfer of Adopted Child [25.081] (intent to commit sex offense on human trafficking)
 Escape [38.064(2)] (causing ID)
 Evading [38.04(b)(3)] (S&L/deflation device or death)
 Fraud, Use/Poss. Credit/Debit Info [32.315] (10-49)

Fraud, Use/Poss. of ID Info. [32.51(c)(3)] (10-49 IDn)
 Improper Relationship Teacher/Student [21.12]
 Improper Sexual Activity [39.04(a)(2), (b)] (in custody w/juvenile)
 Indecency w/Child [21.11(a)(1), (d)] (contact)
 Injury to a Child/Elderly/Disabled [22.04(e)-(f)] (see statute for factors)
 Intimidation/Assault [49.07(c), 49.09(b-1), (b-4)] (firefighter, EMS, V in coma)
 Intimidation/Manslaughter [49.08(b)]
 Mail Theft [31.20] (20-49 pos. & intent for ID theft)
 Manslaughter [19.04]
 Murder [19.07(c)] (sudden passion)
 Obscenity [43.23(c), (f)] (images of child)
 Obstruction/Betrayal [36.06(c)] (juror; disclosing public servant info)
 Online Prom. of Prostitution [43.031] (2nd or V-18)

Online Sedic./Minor [33.023] (V-14 or intent for sex)
 Prohibited Sexual Conduct [25.02(a)(1), (c)] (direct ancestry/descendant)
 Promotion of Child Porn or Possession (2nd) [43.26]
 Promotion of Prostitution (2nd) [43.03(b)(1)]
 Prostitution (victim <18) [43.02(c) & (c-1)]
 Robbery [29.02]
 Sexual Assault [22.011(b)]
 Sexual Performance by Child [43.25(b)-(e)] (inducing child 14-18; directing child <14)
 Smuggling Persons [20.05(b)(1)] (likely S&L or death; victim <18)
 Stalking [42.072(b)] (2nd or more)
 Tampering w/Evidence [37.09(c)] (human corpse)
 Tampering w/Witness in PV Case (with prior PV) [36.05(e)-2)]
 Trafficking of Persons [20A.02(b)]
 Unlawful Restraint [20.02(c)(3)] (officer or judge)

3RD DEGREE FELONIES (2-10 years + SO-10,000)

Abandon/Ender Child [22.041(e)(2)(F)]
 Aggravated Perjury [37.03]
 Arson [28.02(a)-(1), (e)] (see statute for factors)
 Assault [22.01(b)(1)-(3), (b-2)] (see statute for factors)
 Ball Jumping [38.10(7)] (from felony)
 Bestiality [21.09]
 Burglary (bbq, w/poscrp., drugs) [30.02(c-1)]
 Burglary of Vehicle (w/drugs) [30.04(d)(1)]
 Continuous Violence against Family [25.11]
 Credit/Debit Card Abuse [32.31(d)] (elderly)
 Cruelty to Animals (w/priors) [42.09, 42.092]
 Custody Transfer of Adopted Child [25.081]
 Deadly Conduct [22.05(e)] (discharging firearm)
 DWI [49.09(b)] (3rd or more)
 Electronic Access Interference [33.022]
 Enticing Child [25.04(b)] (attempting felony)
 Escape [38.064(c)] (felony offense or confinement)
 Evading [38.04(b)(2)] (vehicle, S&L, deflation device)
 Exploitation of Child/Elderly/Disabled [32.53]
 Forgery [32.21(e)] (see statute for factors)
 Fraud, Poss. of ID Info [32.51(c)(2)] (5-9 IDn)

Fraud, Use/Poss. Credit/Debit Info [32.315] (5-9 IDn)
 Harassment [22.11] (chaining by prisoner)
 Impropr. Com. w/Victim [38.111(d)] (while confined)
 Indecency w/Child [21.11(a)(2), (d)] (exposure)
 Injury to Child/Elderly/Disabled [22.04(a)(3), (a-1)(3), (f)] (see statute for factors)
 Intimidation/Assault [49.07(c)]
 Kidnapping [20.03]
 Mail Theft [31.20] (30+ pos. or 10-19 & intent for ID theft)
 Obstruction/Betrayal [36.06(c)]
 Official Oppression (impair school data) [39.03(d)]
 Online Impersonation [33.07(a), (b) if response by emergency personnel]
 Online Promotion of Prostitution [43.031]
 Online Solicitation of Minor [33.021(b), (f)] (communicate or distribute explicit material)
 Possession of Child Porn [43.26]
 Possession of Weapon [46.03] (prohibited place)
 Prohibited Sexual Conduct [25.02(c)]
 Prohibited Substance/Item in Corr. Fac. [38.13(g)]

Promotion of Prostitution [43.03(b)]
 Repeated Violations of Court Order/Bond [25.072]
 Reckless Arrest [38.09(d)] (DW)
 Sexual Coercion (2nd) [21.18]
 Sexual Perf. by Child [43.25(c), (e)] (directing; V-14)
 Smuggling Persons [20.05(b)]
 Stalking [42.072(b)] (1st)
 Tampering w/Evid. [37.09(a), (c), (d)(1)] (not corpse)
 Tampering w/Voting Machine [33.05(e)] (attempt)
 Tampering w/Witness [36.05] (but see 36.05(b)(2)-(3))
 Terroristic Threat [22.07(e)] (utility; fear/S&L; gov't)
 Unlawfully Carrying Handgun by License Holder [46.035] (see statute for factors)
 Unlawfully Carrying Weapon [46.02(c)] (ber)
 Unlawful Poss. of Firearms [46.04(a), (e)] (felon)
 Unlawful Poss. of Prohibited Weapon [46.03(v)] (other than knuckler, deflation device)
 Unlawful Restraint [20.02(c)(1)] (see statute for factors)
 Violating Court Order/Bond [25.07(g)] (3rd or by assault/stalking)
 Violation Court Order/Bond (habe crime) [25.071(e)] (3rd or by assault)

STATE JAIL FELONIES (180 days-2 years in SJ + SO-10,000)

Abandon/Ender Child [22.041(e), (e)(1), (f)] (intent to return; expense to drugs)
 Abuse of Corpus [42.08] (body)
 Arson [28.01(e)-(f)] (see statute for factors)
 Bestiality [21.09]
 Burglary [30.02(c)(1)] (building)
 Burglary of Vehicle [30.04(d)(2)] (bed or rail car)
 Credit/Debit Card Abuse [32.31(d)]
 Criminal Nonsupport [25.05]
 Criminally Negligent Homicide [19.05]
 Cruelty to Animals (torture, poison, fighting, dog racing, horse tripping, or 2nd) [42.09, 42.092]
 Dog Fighting [42.10] (see statute for factors)
 DWI w/Child Passenger [49.045]
 Evading [38.04(b)(1)] (2nd)
 False Alarm/Report [42.06(b)] (see (b) for factors)

Forgery [32.21(d)] (commercial instrument)
 Fraud, Use/Poss. of ID Info [32.51(c)(3)] (5-9 IDn)
 Fraud, Use/Poss. Credit/Debit Info [32.315] (1-4)
 Improper Sexual Activity [39.04(a)(2), (b)] (in custody w/adult)
 Injury to Child/Elderly/Disabled [22.04(f)-(a)] (see statute for factors)
 Interference w/Child Custody [25.03]
 Interference w/Emerg. Call [42.062(c)] (w/prior)
 Interference w/Radio Frequency [38.152(b)(1)-(2)]
 Interference w/Rights of Guardian [25.10]
 Invasive Visual Recording [21.15]
 Mail Theft [31.20] (10-29 pos. or 1-9 & intent for ID theft)
 Obscenity [43.23(a)-(b)] (prostitute)
 Prostitution [43.02(c) & (c-1)] (see statute for factors)

Sale or Purchase of Human Fetal Tissue [48.03]
 Sexual Assault [22.011(f)(2)] (using reproductive material from unconsented-to donor)
 Sexual Coercion [21.18]
 Terroristic Threat [22.07(e)(3), (e)(4) (>\$1,500 loss; officer or judge)]
 Unauthorized Absence from COF or CS site [38.113]
 Unauthorized Use of Vehicle [31.07]
 Unlawful Disc./Prom. of Intim. Material [21.16]
 Unlawful Possession of Prohibited Weapon [46.05(a)(9), (e)] (deflation device)
 Unlawful Restraint [20.02(c)(1)] (child)
 Violation of PO or Court Order [25.07(g)(1)] (by violating temp, PO)
 Wayward [21.16(d)] (victim <14)

Texas Occupational Code Study Guide

LL Leslie

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