



CRIME CLASSIFICATIONS

\* indicates new laws for crimes committed after August 31, 2011

Capital Felonies

Agg. Sexual Assault (enhanced, 2nd offender, no DP)
Capital Murder
Continuous Sex. Abuse of Child (2nd offender, no DP)

First Degree Felonies

Agg. Assault (of public servant)
Agg. Assault (dw + sbi + fv)
Agg. Kidnapping (no voluntary safe release)
Agg. Robbery
Agg. Sexual Assault (min. 25 yrs if child V w/enhancing facts)
Attempted Capital Murder
Arson (of habitation or place of assembly or worship)
Bigamy (if V < 16)
Burg. of Habitation (with intent to commit felony other than theft)
Continuous Sexual Abuse of Child (min. 25 years)
Directing Activities of Crim. Street Gang
Escape (dw or sbi)
Fraudulent Use or Possession of Identifying Info (>50 items)
Injury to Child/Elderly/Disabled (int. or knowing sbi)
Murder (no sudden passion)
Sexual Assault (if marriage to V bigamy)
Sexual Performance by Child (by inducing, child <14)
Solicitation of Capital Murder
Tampering w/Elec. Voting Machine
Trafficking of Persons (if <14 or death)
\*(min. 25 years if continuous)

For more information on sentencing laws, see The Perfect Plea (TDCAA ©2010), by John Bradley.

Class A Misdemeanors

Abuse of Corpse
Assault (by causing bodily injury)
Bail Jumping (from misd. A or B)
Burglary of Coin Op Machine
Burglary of Vehicle (min 6 mo. on 2nd)
\*Cockfighting (location, training, or equip.)
Crim. Trespass (of hab. or w/dw)
Deadly Conduct (not firearm)
DWI-2nd (30-day minimum)
Escape (misd. arrest)
Evading (no vehicle or injury)
Failure to Identify (false info/fugitive)
Failure to Report Felony
Gambling Promotion
Harassment-2nd
Interference with 911 phone call
Interference /Radio Frequency
Improper Contact with Victim
Obscenity
Online Harassment (by msg. spoofing)
Perjury
Poss./Manf. Crim. Instr. for Theft
Poss. Firearm (prior FV conviction)
Proh Weapon (swblade/knuckles)
\*Prostitution-3rd
Public Lewdness
Resisting Arrest
Stealing Check
Terroristic Threat (if against fam. memb. or ps or interrupts occupation)
\*Unauthorized Transfer of Financial Info
Unlawful Carrying Weapon
Unlawful Restraint (not child)
Violation of Civil Rights (in custody)
Violation of Court Order/Bond in FV Case

Second Degree Felonies

Agg. Assault (not of public servant)
Agg. Kidnapping (safe release)
Arson (not place of worship or home)
Assault (fv + 2nd off. + suffocation/strangulation)
Bigamy (if V >=16)
Bribery
Burg. of a Habitation (intent to commit, commit, or attempt theft or assault)
\*Compelling Prostitution (V <18)
Escape (by causing bi)
Evading (sbi by deflation device or death)
Firearm Smuggling (>3)
Fraudulent Use or Poss. of Identifying Information (10-50 items)
Improper Relationship (teacher/student)
Improper Sexual Activity (in cust. w/juv.)
Indecency w/Child (contact)
Injury to a Child/Elderly/Disabled (reckless sbi or int. or kn. bi to disabled by employee)
\*Intoxication Assault (V in coma)
Intoxication Manslaughter
Kidnapping (risk of sbi)
Manslaughter (recklessly)
Murder (w/sudden passion)
Online Solicitation (if V < 14 or w/intent to engage in sex)
Prohibited Sexual Conduct (if V is direct ancestor or descendant)
\*Prostitution (V <14)
Robbery
Sexual Assault
Sexual Performance (by inducing child 14-18; or by directing child)
Stalking-2nd
Tampering w/Evidence (human corpse)
\*Trafficking of Persons

Class B Misdemeanors

Assault (by threat or offensive contact with sports participant)
Contraband in CF (by employee)
Criminal Trespass (not habitation)
Disorderly Conduct (firearm)
DWI-1st (3-day minimum)
Enticing a Child
Failure to Identify (false info/not fugitive or no info/fugitive)
False Report to Peace Officer
Fraudulent Degree
Harassment-1st
Illumination of Aircraft (w/impairment)
Issuance of Bad Check (child support)
Indecent Exposure
Prostitution (1st-2nd)
Riot
\*Sexting by Teen (promotion, see §43.261 for enhancements)
Silent or Abuse Calls to 9-1-1 Service
Terroristic Threat
\*Unauthorized Acquisition of Fin. Info.

Third Degree Felonies

Assault (of ps, 2nd FV, or by strang./suffoc.)
Agg. Perjury
Arson (reckless + MCS + bi or death)
Bail Jumping (felony arrest)
Continuous Violence against Family
Compelling Prostitution (V >17)
Deadly Conduct (w/firearm)
DWI-3rd
Enticing Child (int. felony)
Escape (from felony offense)
\*Evading (w/veh., sbi, or deflation device used)
\*Exploitation of Child/Elderly/Disabled
Failure to Stop & Render Aid (sbi or d)
Firearm Smuggling (<=3)
Fraud. Poss. of Ident. Info. (5-<10 items)
Harassment (by prisoner)
Improp. Cont. w/Victim (while confined)
Indecency w/Child (exposure)
Injury to Child/Elderly/Disabled (int. or kn. bi)
Intoxication Assault
Kidnapping
Obstruction/Retaliation
Online Impersonation
Online Solicit. of Minor (comm. or distrib.)
Poss. of Child Pornography
Poss. of Firearm (by felon)
Poss. of Proh. Weap. (not switchblade/knuckles)
Poss. of Weapon (prohibited place)
Prohibited Sexual Conduct
Prohibited Sub./Item in Correctional Facility
\*Prostitution (V = 14-17)
Sex. Perform. by Child (directing, V >=14)
\*Smuggling Persons (if for \$ or danger of sbi or death)
Stalking-1st
Tampering with Evid. (other than corpse)
\*Tampering with Witness (but see §36.05(d))
Terroristic Threat (if public utility, public in fear of sbi or influence gov't)
UCW (on licensed premise)
Unlawful Restraint (risk/sbi, ps, or by inmate)
Violation of Ct. Order/Bond in FV Case-3rd

Class C Misdemeanors

Assault (by threat or offensive contact)
Bail Jumping (from misd. C)
\*Cockfighting (spectator)
Contraband in CF (not by employee)
Criminal Trespass (of agricultural land)
Disorderly Conduct (no firearm)
Driving Under the Influence of Alcohol by Minor
Failure to Identify (no info/not fugitive)
\*Fraudulent Military Record
Gambling
Illumination of Aircraft
Issuance of a Bad Check
Obscene Display or Distribution
Leaving Child in Vehicle
Minor in Possession of Alcohol
Minor in Possession of Tobacco
Possession of Alcoholic Bev. in Motor Vehicle
Preventing Execution of Civil Process
Public Intoxication
\*Sexting by Teen (possession, see §43.261 for enhancements)
Use of Laser Pointers

State Jail Felonies

Arson (reckless damage or bi)
Burglary of a Building
Burglary of a Vehicle (3rd)
\*Cockfighting (cause or participate)
Credit/Debit Card Abuse
Criminal Nonsupport
Criminally Negligent Homicide
DWI (w/child passenger)
Evading (2nd offense)
False Alarm or Report
Forgery (commercial instrument)
Fraudulent Use or Possession of Identifying Information (<5 items)
Improper Photography or Visual Recording
Improper Sexual Activity (in custody w/adult)
Injury to a Child/Elderly/Disabled (reckless bi or crim. neg. sbi)
Interference with Child Custody
Interference w/Radio Freq. (to facilitate or interfere)
Interference with Rights of Guardian
\*Prostitution-4th
Terroristic Threat (if >= \$1,500 loss)
Theft (3rd or firearm or from person)
Unauth. Absence from CCF or CC
Unauthorized Use of a Vehicle
Unlawful Restraint (of child)

Some offenses contain too many variations to list here. Consult the Penal Code for specific enhancing conduct (e.g., engaging in organized criminal activity).

Controlled Substances

Delivery (PG - 1)
< 1 g = SJF
1 - < 4 g = 2nd degree
4 - < 200 g = 1st degree
200 - < 400 g = 10-99 or life/\$100k
400 g + = 15-99 or life/\$250k
Possession (PG - 1)
<1 g = SJF
1 - < 4 g = 3rd degree
4 - 200 g = 2nd degree
200 - < 400 g = 1st degree
400 g + = 10-99 or life/\$100k
Delivery of Marihuana
<= 1/4 oz = Class B
<= 1/4 oz (remuneration) = Class A
> 1/4 oz - 5 lb = SJF
> 5 - 50 lbs = 2nd degree
> 50 - 2,000 lbs = 1st degree
> 2,000 + lbs = 10-99 or life/\$100k
Possession of Marihuana
<= 2 oz = Class B
> 2 - 4 oz = Class A
> 4 oz - 5 lbs = SJF
> 5 - 50 lbs = 3rd degree
> 50 - 2,000 lbs = 2nd degree
> 2,000 + lbs = 5-99 or life/\$50k
Delivery of LSD (PG-1A)
(by abuse units)
< 20 = SJF
20-79 = 2nd degree
80-3,999 = 1st degree
>= 4,000 = 15-99 or life/\$250K
Possession of LSD (PG-1A)
(by abuse units)
< 20 = SJF
20-79 = 3rd degree
80-3,999 = 2nd degree
4,000-7,999 = 1st degree
>= 8,000 = 15-99 or life/\$250K

Value Ladder (Theft, Criminal Mischief, Graffiti, Money Laundering, Insurance Fraud, Medicaid Fraud, Organized Retail Theft, etc.)

< \$20 (theft of prop. by check) Class C Misdemeanor
\$20 - < \$500 (theft of prop. by check) Class B Misdemeanor
< \$50 Class C Misdemeanor
\$50 - < \$500 Class B Misdemeanor
\$500 - < \$1,500 Class A Misdemeanor
\$1,500 - < \$20,000 State Jail Felony
\$20,000 - < \$100,000 3rd Degree Felony
\$100,000 - < \$200,000 2nd Degree Felony
\$200,000 + 1st Degree Felony

**TDCAA Quick Law 2011 by Ken Anderson and John Bradley**  
**PUNISHMENT RANGES**

<b>CAPITAL FELONY</b> <ul style="list-style-type: none"> <li>• death or life imprisonment</li> </ul>	<b>COMMUNITY SUPERVISION (CS)</b> Ineligible for CS
<b>FIRST DEGREE FELONY</b> <ul style="list-style-type: none"> <li>• confinement for life or a term from 5 to 99 years in prison; and</li> <li>• an optional fine not to exceed \$10,000</li> </ul>	<ul style="list-style-type: none"> <li>• Up to 10 years of deferred adjudication CS</li> <li>• From 5-10 years of postconviction CS</li> <li>• Minimum 5 years CS for certain sex offenses (CCP 42.12, §13B(b))</li> <li>• Up to 180 days in county jail as condition</li> </ul>
<b>SECOND DEGREE FELONY</b> <ul style="list-style-type: none"> <li>• confinement for a term from 2 to 20 years in prison; and</li> <li>• an optional fine not to exceed \$10,000</li> </ul>	<ul style="list-style-type: none"> <li>• Up to 10 years of deferred adjudication CS</li> <li>• From 2-10 years of postconviction CS</li> <li>• Minimum 5 years CS for certain sex offenses (CCP 42.12, §13B(b))</li> <li>• Up to 180 days in county jail as condition</li> </ul>
<b>THIRD DEGREE FELONY</b> <ul style="list-style-type: none"> <li>• confinement for a term from 2 to 10 years in prison; and</li> <li>• an optional fine not to exceed \$10,000</li> </ul>	<ul style="list-style-type: none"> <li>• Up to 10 years of deferred adjudication CS</li> <li>• From 2-10 years of postconviction CS</li> <li>• Minimum 5 years CS for certain sex offenses (CCP 42.12, §13B(b))</li> <li>• For drug and Title 7 offense after 8/31/07 (other than §33.021), initially from 2-5 years of postconviction CS (up to 10 years with extension)</li> <li>• Up to 180 days in county jail as condition</li> </ul>
<b>STATE JAIL FELONY</b> <ul style="list-style-type: none"> <li>• confinement for a term from 180 days to 2 years in a state jail; and</li> <li>• an optional fine not to exceed \$10,000, or</li> <li>• Class A misdemeanor punishment under TEX. PEN. CODE §12.44(a) (felony conviction) or §12.44(b) (misdemeanor conviction), but only if prosecutor consents</li> </ul> Mandatory postconviction CS if: <ul style="list-style-type: none"> <li>• drug possession (not delivery);</li> <li>• ≤5 abuse units if LSD; or</li> <li>• ≤1 lb. if marihuana or synthetic marijuana; and</li> <li>• no prior felony conviction, other than under §12.44(a) (for offense after 8/31/07)</li> </ul>	<ul style="list-style-type: none"> <li>• Up to 10 years of deferred adjudication CS</li> <li>• Initially from 2-5 years of postconviction CS (up to 10 years with extension)</li> <li>• Up to 180 days in county jail as condition</li> <li>• From 90-180 days in state jail as condition</li> <li>• From 90-365 days in state jail as condition if offense is delivery of marihuana or penalty group 1, 1A, or 2 controlled substance</li> <li>• Also, 90-180 days in state jail as a condition following violation of condition of supervision</li> </ul> <p><b>Note:</b> Upon violation of deferred adjudication for drug possession offense committed after 8/31/07, judge no longer must place defendant on postconviction CS. Judge may impose direct CS. Judge may impose direct sentence or post-conviction CS (CCP 42.12, §15(a)(1)).</p>
<b>CLASS A MISDEMEANOR</b> <ul style="list-style-type: none"> <li>• confinement for term not to exceed 1 year in county jail; and/or maximum \$4,000 fine</li> </ul>	<ul style="list-style-type: none"> <li>• Up to 2 years of CS or 3 years with extension, (min. 1 yr. for BMV 2nd after 8/31/07)</li> </ul>
<b>CLASS B MISDEMEANOR</b> <ul style="list-style-type: none"> <li>• confinement for term not to exceed 180 days in county jail; and/or maximum \$2,000 fine</li> </ul>	<ul style="list-style-type: none"> <li>• Up to 2 years of CS or 3 years with extension</li> </ul>
<b>CLASS C MISDEMEANOR</b> <ul style="list-style-type: none"> <li>• no confinement</li> <li>• a fine not to exceed \$500 (up to 180 days of deferred disposition)</li> </ul>	© 2011 TDCAA. All rights reserved. Unauthorized copying strictly prohibited.

<b>NO DEFERRED ADJUDICATION</b> Art. 42.12, §5(d), CCP <ul style="list-style-type: none"> <li>• intoxication offenses (DWI w/child only if offense after 8/31/07)</li> <li>• agg. sex. assault of child w/enhancing facts, continuous sexual abuse of child, repeat sex offender (offense after 8/31/07)</li> <li>• indecency with a child, sexual assault, agg. sexual assault, if defendant has previously been placed on CS for one of those offenses</li> <li>• second conviction for drug offense w/drug-free zone finding</li> <li>• murder (unless judge finds no intent, causation or anticipation re death, offense after 8/31/11)</li> </ul> <p><b>Note:</b> No early termination of CS (deferred or postconviction) for registered sex offender if placed on CS after 8/31/99.</p>	<b>NO POSTCONVICTION CS</b> <ul style="list-style-type: none"> <li>• any felony if sentence exceeds 10 years</li> </ul> <p><b>From judge (CCP art. 42.12, §3g):</b></p> <ul style="list-style-type: none"> <li>• compelling prostitution (offense after 8/31/11)</li> <li>• trafficking in persons (offense after 8/31/11)</li> <li>• aggravated kidnapping, robbery, or sexual assault</li> <li>• indecency with child (contact) (offense after 8/31/93)</li> <li>• murder (offense after 8/31/93)</li> <li>• sexual assault of a child (offense after 8/31/95)</li> <li>• sexual assault of an adult (offense after 8/31/99)</li> <li>• injury to a child—1st degree (offense after 8/31/07)</li> <li>• sexual performance by a child (offense after 8/31/07)</li> <li>• crim. solicitation of child, 1st degree (offense after 8/31/09)</li> <li>• any felony with affirmative DW finding</li> </ul> <p><b>From jury (CCP art. 42.12, §4):</b></p> <ul style="list-style-type: none"> <li>• any offense if prior felony conviction</li> <li>• murder (offense after 8/31/07)</li> <li>• sexual performance by a child (offense after 8/31/07)</li> <li>• sex offenses after 8/31/07 with victim under 14 (indecency w/child by contact, agg. sexual assault, sexual assault, agg. kidnapping w/sexual intent)</li> <li>• crim. solicitation of child, 1st degree (offense after 8/31/09)</li> </ul>	<b>PAROLE ELIGIBILITY</b> <ul style="list-style-type: none"> <li>• No parole for capital murder (offense after 8/31/05), agg. sex. assault of child (enhanced w/facts), or continuous sexual abuse of child</li> <li>• Capital murder life: after 40 years, without good conduct credit (offense 9/1/93–8/31/05 or for juvenile, offense after 8/31/09)</li> <li>• Repeat sex offender: after 35 years, without good conduct credit (see below)</li> <li>• Violent: after 50% or max. 30 years, without good conduct credit for offenses listed under CCP 42.12, §3g or any felony w/affirm. DW finding (see list to left)</li> <li>• Nonviolent: after 25%, including good conduct credit, for offense not listed under CCP 42.12, §3g (see list to left)</li> </ul>
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<b>FELONY ENHANCEMENTS</b> Unenhanced SJF is not a prior felony 3rd degree . . . . . 2nd degree 2nd degree . . . . . 1st degree 1st degree . . . . . 15-99 or life/\$10k 2 prior sequential felony convictions 1st, 2nd, or 3rd degree . . . . . 25-99 or life 1 prior Class A or felony conviction Class A . . . 90 days–1 yr. and/or max. \$4,000 fine 1 prior Class A, B, or felony conviction Class B . . . 30-180 days and/or max. \$2,000 fine	<b>SJF ENHANCEMENTS</b> Unenhanced SJF is not a prior felony Violent offender: DW finding or prior felony w/DW finding, 3g offense (see list above) or offense under §21.02 or 20A.03 = 3rd degree Repeat SJF: 2 prior SJF = 3rd degree Repeat violent offender: Violent offender (see above) + prior felony = 2nd degree Habitual SJF: 2 prior sequential felonies = 2nd degree	<b>SEX OFFENDER ENHANCEMENTS</b> Repeat sex offender 1st or 2nd degree . . . . . life (See PC §12.42(c)(2) for list of eligible offenses; deferred adjudication and post-conviction CS = conviction.)  <b>STACKING</b> For information on stacking sentences, see PC §3.03, CCP 42.08, and Chapter 3, "The Perfect Plea," (TDCAA © 2010).
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