

**Unit Goal: Organization, general provisions, and definitions of the Texas Penal Code.**

**8.1. Describe the organization of the Penal Code (PC).**

- Objectives of code - PC 1.02
- Effect of code - PC 1.03
- Territorial jurisdiction - PC 1.04

**8.2. Define the General Provisions of the PC.**

- Computation of age - PC 1.06
- Definitions - PC 1.07 (a) (1) - (49), (b)

**8.3. Define and differentiate between Exception, Defense and Affirmative Defense.**

- Exception – PC 2.02
- Defense – PC 2.03
- Affirmative Defense – PC 2.04

**8.4. Describe the components of a penal code offense.**

- Act or Omission – PC 6.01
- Culpable Mental State – PC 6.02, 6.03
- Causation or Result – PC 6.04
- Penalty Group – See Theft PC 31.03 (e) for general penalty group
- Discuss Consolidation of offenses – PC 3.01 to 3.04

**8.5. Identify when one person is Criminally Responsible for Conduct of Another and General Defenses to Criminal Responsibility.**

- Parties to offenses - PC 7.01
- Criminal responsibility for conduct of another - PC 7.02
- Defenses excluded – PC 7.03
- Discuss Insanity – PC 8.01
- Discuss Mistake of fact – 8.02
- Discuss Mistake of law – PC 8.03
- Discuss Intoxication – PC 8.04
- Discuss Duress – PC 8.05
- Discuss Entrapment – PC 8.06
- Age affecting criminal responsibility - PC 8.07

**8.6. Classify offenses and their punishment.**

- Differentiate between Felony and Misdemeanor Offenses
  - PC 12.02
  - PC 12.03
  - PC 12.04
- Differentiate punishments- PC 12.21 – 12.23, 12.31-12.35

**8.7. Identify appropriate enhancements.**

- Discuss Enhancements – PC 12.42 – 12.501

**8.8. Identify and apply the elements of offenses as they relate to inchoate offenses.**

- Preparatory Offenses - PC 15.01 - 15.05

**8.9. Define and apply offenses involving unlawful killing of another.**

- Criminal Homicide

- 19.01- Types of Criminal Homicide
- 19.02- Murder
- 19.03- Capital Murder
- 19.04- Manslaughter
- 19.05- Criminally Negligent Homicide
- 19.06- Applicability to certain conduct

**Comprehensive Scenario:** In each of the following scenarios, the student will:

- Identify which law(s) was/were suspected.
- Articulate, as appropriate, the proper approach and handling of the suspect(s) and any potential evidence recovery.
- Student will describe the standards of determining if sufficient probable cause exists.
- Assess, as appropriate, if an arrest with or without a warrant is necessary.

**Scenario # 1:** Sec. 19.02. Murder (related chapters include U.S./Texas Constitution; CCP; Arrest, Search and Seizure). The student/officer is dispatched to a local bar in reference to a fight in progress. Upon arrival, the student/officer observes the deceased lying on the sidewalk. Two bouncers are detaining the suspect. The student/officer learns that the suspect accused the deceased of cheating at pool. A fight ensued and the suspect struck the deceased in the head with a pool cue causing death.

**Scenario # 2:** Sec. 19.03. Capital Murder (related chapters include Crime Scene; Criminal Investigation; Patrol Skills; Arrest, Search and Seizure). During the course of committing a theft at a local convenience store, an individual pulls a handgun from their waistband, shoots, and kills the store clerk. The suspect is caught a short time later and arrested. An officer responds to a family fight in progress. While exiting the patrol vehicle the officer is ambushed and shot by the suspect. The officer succumbs to the injuries one week later. The suspect is placed under arrest and charged.

**Scenario #3:** Sec. 19.04. Manslaughter (related Chapters include Accident Investigation; CCP; Arrest, Search and Seizure). The student/officer responds to the report of a motor vehicle accident. Upon arrival, the student/officer observes the deceased lying on the sidewalk pinned beneath a vehicle. The student/officer learns from numerous witnesses that the suspect was racing their car up and down the street in a residential neighborhood. The suspect lost control of the vehicle, struck, and killed an elderly individual who was walking on the sidewalk. The suspect was placed under arrest.

**Scenario #4:** Sec. 19.05. Criminally Negligent Homicide (related chapters include Crime Scene Investigation, Arrest, Search and Seizure). An individual keeps a handgun on top of the nightstand next to their bed for protection. They leave the room momentarily to answer the door. Their five-year-old child is playing in the bedroom and sees the handgun. The child

begins to play with the handgun and points it at their younger sibling. The handgun discharges and the kills the sibling. The owner of the handgun is charged.

**8.10. Define and apply the elements of offenses involving unlawful restraint and kidnapping.**

- Kidnapping and Unlawful Restraint
  - 20.01- Definitions: 20.01 (1), 20.01 (2)
  - 20.02- Unlawful Restraint
  - 20.03- Kidnapping
  - 20.04- Aggravated Kidnapping

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**Scenario # 1:** Sec. 20.02. Unlawful Restraint (related chapters include CCP, Arrest, Search and Seizure). A man and woman are arguing in their apartment. The woman attempts to pick up the telephone to call 911. The man grabs hold of the woman and prevents her from calling the police. She struggles and can get away from his grasp. She calls 911 and the student/officer arrives on scene. What can the man be charged with?

**Scenario # 2:** Sec. 20.03. Kidnapping (related chapters include CCP, Arrest, Search and Seizure) During the course of a custody battle, the ex-spouse takes the former couple's child in defiance of the court order and flees with the child. A spot broadcast is initiated, and the student/officer locates the ex-spouse and child. The ex-spouse is charged.

**Scenario # 3:** Sec. 20.04. Aggravated Kidnapping (related chapters include patrol Skills, Arrest and Control). The student/officer responds to the call of a robbery in progress at a convenience store. Upon arrival, the officer observes the suspect getting into a vehicle. The suspect sees the student/officer and runs back inside of the store. The suspect grabs the clerk in a chokehold and holds a knife to the clerk's throat. The suspect tells the officer to let him go or he is going to kill the clerk.

**8.11. Define and apply offenses involving unlawful concealment and/or transportation of persons.**

- Smuggling of Persons- PC 20.05

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**Scenario # 1:** Sec. 20.05. Smuggling of Persons (related chapters include Traffic; Patrol Skills; Criminal Investigation; Arrest, Search and Seizure). The student/officer conducts a traffic stop on a local highway for a defective tail lamp. Upon approaching the vehicle, the student/officer hears screaming and knocking from inside of the trunk. The officer removes the suspect driver and opens the trunk. The student/officer observes a female and two small children inside of the trunk. The officer learns from the female that she is trying to enter the United States illegally and has paid the suspect \$1,000.00 to smuggle her and her children through the Border Patrol checkpoint. During an inventory search of the suspect's vehicle, the officer finds \$1,000.00 beneath the driver's seat.

- Trafficking of Persons
  - 20A.01- Definitions
  - 20A.02- Trafficking of Persons
- Continuous trafficking of Persons- PC-20A.03

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**Scenario #1:** Sec. 20A.02. Trafficking of Persons (related chapters include Traffic; Patrol Skills; Criminal Investigation; Arrest, Search and Seizure). Referring to the scenario in 20.05, the adult victim stated that she was compelled into prostitution and was being delivered to a brothel to pay off the rest of her debt owed for the illegal entry.

#### **8.12. Describe and apply sexual offenses.**

- Sexual Offenses
  - 21.01- Definitions
  - 21.02- Continuous Sexual Abuse of Young Child or Disabled Individual
  - 21.07- Public Lewdness
  - 21.08- Indecent Exposure
  - 21.11- Indecency with a Child
  - 21.12- Improper Relationship Between Educator and Student
  - 21.15- Invasive Visual Recording
  - 21.16- Unlawful Disclosure or Promotion of Intimate Visual Material

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**Scenario #1:** Sec. 21.02 Continuous Sexual Abuse of Young Child or Disabled Individual (related chapters include Criminal Investigation). A 9-year-old student is having trouble concentrating and is struggling in her classes. She meets with her school counselor and discloses that for the past three months her 30-year-old uncle has sexually abused her by forcing oral contact.

**Scenario #2:** Sec. 21.07. Public Lewdness (related chapters include Patrol Skills). A police officer patrolling a local city park at night observes a vehicle parked. The park is closed to the public at this time. The officer walks over to the vehicle and observes two individuals inside of the vehicle engaged in sexual intercourse.

**Scenario #3:** Sec. 21.08. Indecent Exposure (related chapters include Arrest, Search and Seizure). The officer is dispatched to a local city park in reference to a subject disturbing. Upon arrival, the officers observe a security guard detaining an individual. The officers learn from the security guard that the suspect, who appears drunk, ran in front of the bleachers, pulled their pants down and exposed their anus to the crowd.

**Scenario #4:** Sec. 21.11. Indecency with a Child (related chapters include Criminal Investigation). A teacher hugged a 13-year-old female student and during the hug fondled her breast. The incident was viewed and reported by another teacher.

**Scenario #5:** Sec. 21.12. Improper Relationship Between Educator and Student (related chapters include Criminal Investigation, Arrest, Search and Seizure). A 14-year-old student is having trouble concentrating and struggling in their classes. They meet with their school counselor and disclosed information that describes their teacher exploiting them through inappropriate emotional and sexual contact for the last three months.

**Scenario #6:** Sec. 21.15 Invasive Visual Recording (related chapters include Criminal Investigation, Arrest, Search and Seizure). A 17-year-old high school student goes into the female locker rooms and secretly takes pictures of the girls in the locker room while they are in various stages of undress. The suspect then sends out the photos in a text to their friends.

**8.13. Define and apply the elements of assaultive offenses against persons.**

- Assaultive Offenses
  - 22.01- Assault
  - 22.011- Sexual Assault

- 22.02- Aggravated Assault
- 22.021- Aggravated Sexual Assault
- 22.04- Injury to a Child, Elderly, or Disabled Individual
- 22.041- Abandoning or Endangering a Child, Elderly Individual, or Disabled Individual
- 22.05- Deadly Conduct
- 22.06- Consent as Defense to Assaultive Conduct
- 22.07- Terroristic Threat
- 22.08- Aiding Suicide
- 22.09- Tampering with Consumer Product
- 22.11- Harassment by Persons in Certain Correctional Facilities, Harassment of Public Servant

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**Scenario #1:** Sec. 22.01. Assault (related chapters include Patrol Skills; Criminal Investigation; CCP; Victims of Crime; Crime Scene Investigation; Arrest, Search and Seizure; Family Violence and Related Assaultive Offenses). The student/officer responds to a domestic disturbance. Upon arrival, the student/officer observes the female to have bruising to her face and a cut lip. The female advises that her husband punched her in the face during an argument.

**Scenario #2:** Sec. 22.011 Sexual Assault (related chapters include Crime Scene Investigation; Victims of Crime; Criminal Investigation). The student/officer is dispatched to a residence regarding an unknown problem. The student/officer meets with the victim and learns that she was on a date with her boyfriend. At the end of the date, the suspect forced himself onto the victim and anally raped her, against her will.

**Scenario #3:** Sec. 22.02. Aggravated Assault (related chapters include Crime Scene Investigation; Victims of Crime; Criminal Investigation). In reference to the scenario in 22.01, Assault, it was found that not only did the suspect punch the victim in the face, but he also hit her in the face with the butt of a handgun.

**Scenario #4:** Sec. 22.021. Aggravated Sexual Assault (related chapters include Crime Scene Investigation; Victims of Crime; Criminal Investigation). In reference to 22.011, Sexual Assault, it was found that the suspect held a knife to the victim and threatened her during the assault.

**Scenario #5:** Sec. 22.04. Injury to a Child, Elderly Individual, or Disabled Individual (related chapters include Criminal Investigation; Victims of Crime; Crime Scene Investigation). The student/officer was dispatched to a residence in reference to an assault. Upon arrival, the student/officer learned from the victim's family that a caregiver was caring for the victim. When the victim soiled themselves, the caregiver struck the victim in the head with a closed fist, causing pain.

**Scenario #6:** Sec. 22.041. Abandoning or Endangering a Child, Elderly Individual, or Disabled Individual (related chapters include U.S./Texas Constitution; CCP; Arrest, Search and Seizure) The student/officer learns from a neighbor that a parent has left an infant child alone at home. The student/officer hears an infant crying and is unable to make contact with anyone in the house. The student/officer, fearing for the child's safety, makes emergency entry into the house and discovers the child in a crib. During the investigation, the parent arrives home and tells the officer they left the child at home to run to the store and get baby formula. The parent had only been gone for 15 minutes and did not mean to abandon or neglect the child.

**Scenario #7:** Sec. 22.05 Deadly Conduct (related chapters include Patrol Skills; Arrest, Search and Seizure). The student/officer is dispatched to a shots fired call. The student/officer meets with the victim and learns that they were driving and accidentally cut-off the suspect. The victim observed the suspect following them. The victim drove to their house and ran inside to call 911. The victim once inside observed the suspect pass by the house repeatedly and at one point the suspect pointed a handgun and shot at the victim's car. The suspect then fled the scene.

**Scenario #8:** Sec. 22.07. Terroristic Threat (Patrol Skills). The student/officer was dispatched in reference to a neighbor dispute. Upon arrival, the student/officer learned that the victim's dog was barking, and it upset the suspect. The suspect told the victim that if they didn't quiet the dog, the suspect was going to go back inside the house, grab a gun, and shoot the victim and dog.

**8.14. Define and apply the elements of offenses against the family.**

- Offenses Against the Family
  - 25.01- Bigamy
  - 25.02- Prohibited Sexual Conduct
  - 25.03- Interference with Child Custody
  - 25.031- Agreement to Abduct from Custody
  - 25.04- Enticing a Child
  - 25.05- Criminal Nonsupport
  - 25.06- Harboring a Runaway
  - 25.07- Violation of Certain Court Orders or Conditions of Bond in A Family Violence, Sexual Assault, or Abuse, Stalking, or Trafficking Case
  - 25.071- Violations of Protective Order Preventing Offense Caused by Bias or Prejudice

- 25.072- Repeated Violation of Certain Court Orders or Conditions of Bond in Family Violence, Sexual Assault or Abuse, Stalking, or Trafficking Case
- 25.08- Sale or Purchase of Child
- 25.09- Advertising for Placement of Child
- 25.10 – Interference with Rights of Guardian of the person
- 25.11- Continuous Violence Against the Family

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**Scenario #1:** Sec. 25.02. Prohibited Sexual Conduct (Criminal Investigation). The student/officer was dispatched to a local hospital. The student/officer met with a charge nurse and found that after the birth of a child it was discovered that the father of the child is the biological brother of the victim.

**Scenario #2:** Sec. 25.03. Interference with Child Custody (related chapters include CCP, Civil Process). The student/officer learned that the father has weekend visitation rights with the child and did not return the child by 6:00 p.m. as indicted on the court order.

**Scenario #3:** Sec. 25.04. Enticing a Child (related chapters include CCP, Civil Process). It was found that a 16-year-old female ran away to Las Vegas with her 19-year-old boyfriend.

**Scenario #4:** Sec. 25.05. Criminal Nonsupport (related chapters include CCP; Civil Process; Arrest, Search and Seizure). The student/officer met the victim and learned that she is divorced from the suspect, and he has been refusing to pay the court ordered child support for the past three months. The student/officer further learned the suspect is employed full-time by Walmart.

**8.15. Define and apply the elements of crimes against property.**

- Arson, Criminal Mischief and Other Property Damage or Destruction
  - 28.01- Definitions
  - 28.02- Arson
  - 28.03- Criminal Mischief
  - 28.04- Reckless Damage or Destruction
  - 28.05- Actor's Interest in Property
  - 28.06- Amount of Pecuniary Loss
  - 28.07- Interference with Railroad Property
  - 28.08- Graffiti



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**Scenario #1:** Sec. 28.02 Arson (related chapters include Criminal Investigation; Arrest, Search and Seizure). The officer/student was dispatched to a house fire. The student/officer learned that the suspect had defaulted on his mortgage and attempted to get out from under the payments by setting the house on fire.

**Scenario #2:** Sec. 28.03 Criminal Mischief (Criminal Investigation). The student/officer met with a homeowner and learned that sometime during the night the suspect(s) egged her front door causing permanent damage to the paint.

**Scenario #3:** Sec. 28.08. Graffiti (Criminal Investigation). The officer learned that unknown person(s) spray-painted the victim's garage door with gang symbols.

**8.16. List and apply the elements of robbery.**

- Robbery
  - 29.01- Definitions
  - 29.02- Robbery
  - 29.03- Aggravated Robbery

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**Scenario #1:** Sec. 29.02. Robbery (Criminal Investigation). The officer was dispatched to a convenience store reference a theft that had just occurred. Upon arrival the officer/student learned that the suspect entered the store and removed a 12-pack of beer and attempted to leave the without paying. The store clerk attempted to stop the suspect and was pushed to the floor, causing pain.

**Scenario #2:** Sec. 29.03. Aggravated Robbery (Criminal Investigation). During the course of the event listed in Sec. 29.02, it was learned that the victim suffered a broken arm when they fell to the floor.

**8.17. List and apply the elements of offenses involving illegal entry.**

- Burglary and Criminal Trespass
  - 30.01- Definitions
  - 30.02- Burglary
  - 30.03- Burglary of Coin-Operated or Coin Collection Machines
  - 30.04- Burglary of Vehicles
  - 30.05- Criminal Trespass
  - 30.06- Trespass by Licensed Holder with a Concealed Handgun
  - 30.07- Trespass by License Holder with an Openly Carried Handgun

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**Scenario #1:** Sec. 30.02. Burglary (Criminal Investigation). While the victim was away on vacation, unknown person(s) entered their house by breaking a kitchen window. The person(s) then took a television and gaming system without the permission of the victim.

**Scenario #2:** Sec. 30.05. Criminal Trespass (related chapters include CCP, Arrest, Search and Seizure). The student/officer responded to a local amusement park to meet with a security guard who was holding four teenage subjects. The student/officer learned that the subjects jumped the fence to the amusement park after the park was closed for the evening and were attempting to ride a ride. The security guard stopped the subjects and detained them until the officer arrived.

**8.18. Describe and apply the elements of offenses involving the illegal acquisition of property.**

- Theft
  - 31.01- Definitions
  - 31.02- Consolidation of Theft Offenses
  - 31.03- Theft
  - 31.04- Theft of Service
  - 31.06- Presumption for Theft by Check or Similar Sight Order
  - 31.07- Unauthorized Use of a Vehicle
  - 31.08- Value

- 31.10- Actor's Interest in Property
- 31.11- Tampering with Identification Numbers
- 31.12- Theft of or Tampering with Multichannel Video or Information Services
- 31.16- Organized Retail Theft
- 31.17- Unauthorized Acquisition or Transfer of Certain Financial Information
- 31.18- Cargo Theft

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**Scenario #1:** Sec. 31.03. Theft (related chapters include CCP, Arrest, Search and Seizure). The student/officer was dispatched to the 7-11. The student/officer learned the suspect entered the business and removed a 12-pack of beer. The suspect left the business without rendering proper payment. The store clerk then detained them.

**Scenario #2:** Sec. 31.16. Organized Retail Theft (related chapters include Criminal Investigation; Family Violence and Related Assaultive Offenses; CCP; Arrest, Search and Seizure). The officer/student responds to a domestic disturbance. Upon arrival, the officer observes a stack of ten flat screen televisions lying on the floor in their unopened boxes. The suspect sees the student/officer looking at the boxes and makes a statement, "that's one of the perks in working retail." The student/officer begins an investigation.

**8.19. Explain and apply the elements of crimes involving fraud.**

- Fraud
  - 32.01- Definitions
  - 32.02- Value
  - 32.21- Forgery
  - 32.22- Criminal Simulation
  - 32.24- Stealing or Receiving Stolen Check or Similar Sight Order
  - 32.31- Credit Card or Debit Card Abuse
  - 32.32- False Statement to Obtain Property or Credit or in the Provision of Certain Services
  - 32.41- Issuance of Bad Check or Similar Sight Order
  - 32.42- Deceptive Business Practices
  - 32.46- Fraudulent Securing of Document Execution
  - 32.47- Fraudulent Destruction, Removal, or Concealment of Writing
  - 32.51- Fraudulent Use of Possession of Identifying Information
  - 32.55- Financial Abuse of Elderly Individual

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**Scenario #1:** Sec. 32.21. Forgery (related chapters include Criminal Investigation; Health and Safety Code – Controlled Substances). The student/officer responded to a local pharmacy and met with the pharmacist. The student/officer learned the suspect entered the business and provided the pharmacist with a prescription request for hydrocodone. The pharmacist felt uneasy about the request and called the doctor listed on the prescription. The suspect observed the pharmacist making the phone call and fled the store. The student/officer learned that a prescription pad had been taken from the doctor listed on the prescription and person(s) were signing the doctor's name attempting to get narcotics at various pharmacies throughout the city.

**Scenario #2:** Sec. 32.22. Criminal Simulation (Criminal Investigation). The student/officer met with the victim and learned that they bought a violin from the suspect. The suspect told the victim the violin was valued at over \$5,000 as it was over 150 years old. They provided the victim with a certificate of authenticity. After purchasing the violin for \$4,000.00, the victim observed a trademark inside of the violin that showed, "Made in Taiwan, 1999." The victim felt they were knowingly taken advantage of and wanted to press charges.

**Scenario #3:** Sec. 32.31. Credit Card or Debit Card Abuse (Criminal Investigation). The student/officer met with the victim and learned that they were shopping and lost their debit card. They notified their bank of the lost card and found that the card was used at a local convenience store to purchase gas and alcohol. They did not give anyone authorization to use the card and desires prosecution.

**Scenario #4:** Sec. 32.32. False Statement to Obtain Property or Credit or in the Provision of Certain Services (Criminal Investigation). The student/officer learned the suspect completed a notarized loan application and received \$3,000.00 for the purchase of a motorcycle. On the loan application, the suspect listed their place of employment and they had worked there for seven years. Upon calling the employer to verify employment, the loan officer learned the suspect was never employed by the business.

**Scenario #5:** Sec. 32.42. Deceptive Business Practices (Criminal Investigation). The victim purchased a laptop computer from the business. The victim was told the computer was brand new and had only been used as a store display model. After purchasing the computer, the victim found out that the laptop had been refurbished and was not brand new as purported by the business owner.

**8.20. Define exploitation and apply the elements of the offense.**

- Exploitation of a Child, Elderly Individual, or Disabled Individual – PC 32.53

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**Scenario #1:** Sec. 32.53 Exploitation of Child, Elderly Individual Disabled Individual (Criminal Investigation). The student/officer meets with a representative from Adult Protective Services. The student/officer learns that during a home visit with an elderly individual the APS worker discovered that the elderly individual's grandchild has been having them sign blank checks made out to the grandchild. The elderly individual showed the APS worker their bank account statement and it appears large withdrawals are occurring. The APS worker feels the elderly individual is being taken advantage of by the grandchild and would like to file a report.

**8.21. Define and apply the elements of technology crimes that use computers.**

- Computer Crimes
  - 33.01- Definitions
  - 33.02- Breach of Computer Security
  - 33.021- Online Solicitation of a Minor
  - 33.07- Online Impersonation

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**Scenario #1:** Sec. 33.02. Breach of Computer Security (Criminal Investigation). The student/officers meet with a local business owner and learned that they terminated an employee for violating company policy. The business owner allowed the ex-employee the opportunity to retrieve their belongings from their workstation. The business owner left the ex-employee alone while they tended to a customer and upon returning observed the ex-employee to be deleting company financial records from the computer. The business owner desires prosecution.

**Scenario #2:** Sec. 33.021. Online Solicitation of a Minor (Criminal Investigation; Arrest, Search and Seizure). The student/officer met with a parent who found out that their 14-year-old daughter, who is a ninth grader, has been receiving inappropriate text messages and sexually explicit photos from a 17-year-old high school senior at their daughter's school. The student/officer observed the cell phone to contain text messages describing sex acts the suspect would like to perform with the victim as well as sexually explicit photos of the suspect. The parent would like to press charges.

**Scenario #3:** Sec. 33.07. Online Impersonation (Arrest, Search and Seizure). The student/officer learned that the victim had been in a previous relationship with her ex-boyfriend. The victim told the student/officer the ex-boyfriend, without her permission, had opened the victim's social media account and posted threatening and harassing messages to the victim's friends and family while purporting to be the victim.

**8.22. Explain telecommunication crime and apply the elements of these crimes.**

- Telecommunications Crimes
  - 33A.02- Unauthorized Use of Telecommunications Service
  - 33A.03- Manufacture, Possession, or Delivery of Unlawful Telecommunication Device
  - 33A.04- Theft of Telecommunications Service

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- Articulate, as appropriate, the proper approach and handling of the suspect(s) and any potential evidence recovery.
- Student will describe the standards of determining if sufficient probable cause exists.
- Assess, as appropriate, if an arrest with or without a warrant is necessary.

**Scenario #1:** Sec. 33A.02 Unauthorized Use of Telecommunications Service (Criminal Investigation). The student/officer met with a local telecommunications company representative and learned that a contractor working for the company was suspected of diverting telecommunicating services to their own home without the permission of the company and without paying for the services.

**Scenario #2:** Sec. 33A.03. Manufacture, Possession, or Delivery of Unlawful Telecommunications Device (related chapters include Criminal Investigation, Arrest, Search and Seizure). The student/officer found that an individual was manufacturing and selling filters that would allow people access to premium subscription channels on their televisions without paying for the services.

**Scenario #3:** Sec. 33A.04. Theft of Telecommunications Service (related chapters include Criminal Investigation, Arrest, Search and Seizure). The student/officer met with the

telecommunications company and learned they had conducted a usage audit and found the suspect was receiving premium cable services through the company without paying for the usage. They believe the suspect is in possession of an unauthorized device that allows them to receive the services for free and would like to press charges.

**8.23. Define and apply the elements of offenses of bribery and corrupt influence.**

- Bribery and Corrupt Influence
  - 36.01- Definitions
  - 36.02- Bribery
  - 36.03- Coercion of Public Servant or Voter
  - 36.05- Tampering with Witness
  - 36.06- Obstruction or Retaliation
  - 36.09- Offering Gift to Public Servant

**Comprehensive Scenario:** In the following scenario, the student will:

- Identify which law(s) was/were suspected.
- Articulate, as appropriate, the proper approach and handling of the suspect(s) and any potential evidence recovery.
- Student will describe the standards of determining if sufficient probable cause exists.
- Assess, as appropriate, if an arrest with or without a warrant is necessary.

**Scenario #1:** Sec. 36.02. Bribery (related chapters include Intoxicated Driver; Arrest, Search and Seizure; Professionalism & Ethics; Traffic; Arrest and Control). The student/officer conducts a traffic stop for an improper lane change. Upon making contact with the driver, the student/officer observes the driver to be intoxicated. The driver tells the officer, “If you just let me go, I’ll make your day easier” and hands the officer a \$100.00 bill. The officer places the driver under arrest.

**Scenario #2:** Sec. 36.05. Tampering with Witness (Criminal Investigation). It is learned that prior to the court proceeding in reference to an enhanced theft, the witness was approached by a family member of the defendant and offered \$500.00 to alter their testimony in the trial. The witness reported the incident to the police.

**Scenario #3:** Sec. 36.06. Obstruction or Retaliation (Criminal Investigation). A student/officer arrests an individual for parole violation. The parole violator tells the student/officer, “Wait ‘til I get out of prison, you’re going to pay for this in blood.” The officer felt threatened.

**8.24. List and apply the elements of offenses involving perjury and falsification.**

- Perjury and Falsification
  - 37.01- Definitions
  - 37.02- Perjury
  - 37.03- Aggravated Perjury

- 37.04- Materiality
- 37.08- False Report to Peace Officer, Federal Special Investigator, or Law Enforcement Employee
- 37.081- False Report Regarding Missing Child or Missing Person
- 37.09- Tampering with or Fabricating Physical Evidence
- 37.10- Tampering with Governmental Record
- 37.11- Impersonating Public Servant
- 37.12- False Identification as Peace Officer, Misrepresentation of Property

**Comprehensive Scenario:** In the following scenario, the student will:

- Identify which law(s) was/were suspected.
- Articulate, as appropriate, the proper approach and handling of the suspect(s) and any potential evidence recovery.
- Student will describe the standards of determining if sufficient probable cause exists.
- Assess, as appropriate, if an arrest with or without a warrant is necessary.

**Scenario #1:** Sec. 37.02. Perjury (Criminal Investigation). During the hiring process, it was discovered by the background investigator that the applicant listed on their official background statement they had never been arrested or convicted of a crime above a Class “C” misdemeanor. The investigator found the applicant had been arrested and placed on court ordered probation for DWI. The investigator observed the background statement to contain the applicant’s signature and that of a notary public.

**Scenario #2:** Sec. 37.03. Aggravated Perjury (Criminal Investigation). During a criminal trial, a jailhouse snitch swore under oath that the defendant confessed and took responsibility for committing the crime. The incident supposedly occurred while both were housed together in jail. It was discovered later that the defendant and snitch were never housed together, nor did they ever have contact while incarcerated.

**Scenario #3:** Sec. 37.08. False Report to Peace Officer, Federal Special Investigator, or Law Enforcement Employee (related chapters include Criminal Investigation, Arrest, Search and Seizure). An individual filed a theft of vehicle report with the local police agency. The defendant related the vehicle was stolen from his apartment complex. It was discovered through the investigation that the defendant could no longer make the car payments and therefore, drove the vehicle in Mexico, abandoned it and walked back across the international bridge. The vehicle was recovered.

**Scenario #4:** Sec. 37.09. Tampering with or Fabricating Physical Evidence (related chapters include Patrol Skills; CCP; Arrest, Search and Seizure). The student/officer while on foot patrol observes an individual sitting in the alleyway smoking a cigarette. As the student/officer approaches the individual, the student/officer smells the odor of burning marijuana. The individual sees the student/officer and quickly tries to chew up the cigarette. The officer is able



to retrieve a partial piece of the cigarette and observes it to contain a green leafy substance believed to be marijuana.

**Scenario #5:** Sec. 37.11. Impersonating Public Servant (related chapters include Traffic; CCP; Arrest, Search and Seizure). The student/officer while on patrol observes a civilian vehicle with flashing red lights to have a vehicle pulled over on an apparent traffic stop. The student/officer pulls over to assist and discovers the individual was not a certified peace officer and had purchased the flashing red light online.

**Scenario #6:** Sec. 37.12. False Identification as Peace Officers; Misrepresentation of Property (related chapters include Patrol Skills; CCP; Arrest, Search and Seizure). The student/officer was dispatched to a nightclub in reference to a subject disturbing. Upon arrival the student/officer met with the bouncer and learned the suspect purported himself to be a Fire Marshal and presented a law enforcement badge to the bouncer and demanded entry into to the club. The bouncer was suspicious of the individual and called the police.

**8.25. Define the offenses against government operations and apply their elements.**

Obstructing Government Operation

- 38.01- Definitions
- 38.02- Failure to Identify
- 38.03- Resisting Arrest, Search, or Transportation
- 38.04- Evading Arrest or Detention
- 38.05- Hindering Apprehension or Prosecution
- 38.06- Escape
- 38.11- Prohibited Substances and Items in Correctional Facility
- 38.13- Hindering Proceedings by Disorderly Conduct
- 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
- 38.15- Interference with Public Duties
- 38.151- Interference with Police Service Animals
- 38.17- Failure to Stop or Report Aggravated Sexual Assault of Child
- 38.171- Failure to Report Felony

**Comprehensive Scenario:** In the following scenario, the student will:

- Identify which law(s) was/were suspected.
- Articulate, as appropriate, the proper approach and handling of the suspect(s) and any potential evidence recovery.
- Student will describe the standards of determining if sufficient probable cause exists.
- Assess, as appropriate, if an arrest with or without a warrant is necessary.

**Scenario #1:** Sec. 38.02. Failure to Identify (related chapters include Traffic; Patrol Skills; CCP; Arrest, Search and Seizure). The student/officer conducted a traffic stop for a stop sign violation. Upon making contact with the driver, the driver advised that he was running a quick errand and did not have any identification on his person. He further stated that his name was Joe Smith, D.O.B. 06/06/1966. During the course of the investigation the student/officer was able to verify the driver's identity as James Smith, D.O.B. 03/26/1970. Mr. Smith was found to have an outstanding warrant for probation violation.

**Scenario #2: Sec. 38.03.** Resisting Arrest, Search or Transportation (related chapters include Traffic; Patrol Skills; Arrest and Control). The student/officer placed the suspect under arrest for DWI. While attempting to place the suspect in the back of the patrol vehicle, the suspect began kicking at the officer and trying to pull away. The suspect began kicking the patrol vehicle and struggled at the student/officers' attempt to get them seat belted in the vehicle.

**Scenario #3:** Sec. 38.04. Evading Arrest or Detention (related chapters include Patrol Skills; Arrest and Control; CCP; Arrest, Search and Seizure). The student/officer smelled a strong odor of suspected marijuana in the air and observed the suspect sitting on a bench smoking a hand rolled cigarette. The suspect saw the student/officer and quickly stood up and began to walk away. The student/officer in full police uniform ordered the suspect to stop. The suspect ran from the officer. The officer was able to catch the suspect and place them under arrest.

**Scenario #4:** Sec. 38.05. Hindering Apprehension of Prosecution (related chapters include Patrol Skills; Arrest and Control; CCP; Arrest, Search and Seizure). The student/officer was walking towards a residence in hopes of locating a subject for criminal nonsupport. As the student/officer approached the house a person appeared at the door and yelled, "Run, Joe, it's the police they're here for you." The subject then fled the residence. The person at the door was placed under arrest.

**Scenario #5:** Sec. 38.11. Prohibited Substances and Items in Correctional Facility (related chapters include Criminal Investigation, Arrest, Search and Seizure). The student/officer was dispatched to the county jail in reference to holding a subject. Upon arrival, the officer learned that during a visit with a prisoner the suspect was observed passing a cell phone to the prisoner. The suspect was placed under arrest.

**Scenario #6:** Sec. 38.15. Interference with Public Duties (related chapters include Arrest and Control; CCP; Arrest, Search and Seizure). The student/officer responded to an apartment fire to meet with fire department personnel. Upon speaking with the fire commander, it was learned that the suspect kept ignoring the commands of the fire personnel to move away from the scene. The suspect, who appeared intoxicated, kept going to the fire truck and attempting to turn knobs and stand on the truck, causing a disruption to their firefighting efforts. The suspect was placed under arrest.

**Scenario #7:** Sec. 38.151. Interference with Police Service Animals (related chapters include Patrol Skills; Arrest and Control; Crime Scene Investigation; Arrest, Search and Seizure). The canine officer was assisting with a building search at a department store. The canine located the suspect hidden beneath a clothing rack. The suspect attempted to flee and shot the officer's canine partner, severely injuring the animal.

**Scenario #8:** Sec. 38.171 Failure to Report Felony (related chapters include Crime Scene Investigation; Patrol Skills). A person walks into a local convenience store and observes an individual pointing a handgun at the store clerk. The person turns and leaves the store and makes no attempt to call the police.

**8.26. List the elements of offenses involving governmental abuse and apply those elements.**

- Abuse of Office
  - 39.01- Definitions
  - 39.02- Abuse of Official Capacity
  - 39.03- Official Oppression
  - 39.06- Misuse of Official Information

**Comprehensive Scenario:** In the following scenario, the student will:

- Identify which law(s) was/were suspected.
- Articulate, as appropriate, the proper approach and handling of the suspect(s) and any potential evidence recovery.
- Student will describe the standards of determining if sufficient probable cause exists.
- Assess, as appropriate, if an arrest with or without a warrant is necessary.

**Scenario #1:** Sec. 39.03. Official Oppression (related chapters include Professionalism and Ethics; U.S./Texas Constitution). An officer while on duty in official police uniform observes a driver run a stop sign. The officer conducts a traffic stop and tells the driver, "If you don't want a ticket, what will you show me?" The driver was scared and complied but filed an immediate report with internal affairs.

**8.27. Define offenses against the public order, list and apply their elements.**

- Disorderly Conduct and Related Offenses
  - 42.01- Disorderly Conduct
  - 42.02- Riot
  - 42.03- Obstructing Highway or Other Passageway
  - 42.05- Disrupting Meeting or Procession
  - 42.055- Funeral Service Disruption
  - 42.06- False Alarm or Report
  - 42.0601 - False Report to Induce Emergency Response
  - 42.061- Silent or Abusive Calls to 9-1-1 Service
  - 42.062- Interference with Emergency Request for Assistance

- 42.07- Harassment
- 42.072- Stalking
- 42.074- Unlawful Disclosure of Residence Address or Telephone Number
- 42.08- Abuse of Corpse
- 42.09- Cruelty to Livestock Animals
- 42.092- Cruelty to Nonlivestock Animals
- 42.105- Cockfighting
- 42.12- Discharge of Firearm in Certain Municipalities
- 42.13- Use of Laser Pointers
- 42.14- Illumination of Aircraft by Intense Light

**Comprehensive Scenario:** In the following scenario, the student will:

- Identify which law(s) was/were suspected.
- Articulate, as appropriate, the proper approach and handling of the suspect(s) and any potential evidence recovery.
- Student will describe the standards of determining if sufficient probable cause exists.
- Assess, as appropriate, if an arrest with or without a warrant is necessary.

**Scenario #1:** 42.01 Disorderly Conduct (related chapters include CCP; Arrest, Search and Seizure). The student/officer responded to the mall on a subject disturbing call. Upon arrival, the student/officer met with the mall security in their office where two subjects were being detained. According to witnesses, both suspects got into a physical altercation in the mall by the Santa Claus set up. An argument ensued over one of the suspect's cutting in line in front of the other suspect. After a loud exchange of words and vulgarity by both parties, the suspects began shoving each other until separated by the security officers.

**Scenario #2:** 42.03 Obstructing Highway or Other Passageway (Traffic). While on duty in a marked patrol unit, the student/officer exited the interstate and came to a stop behind other cars waiting for a pedestrian standing in the roadway attempting to wash windows to get off the roadway.

**Scenario #3:** 42.055 Funeral Service Disruption (related chapters include Arrest and Control; U.S./Texas Constitution; CCP; Arrest, Search and Seizure). The student/officer is dispatched to the local cemetery where an outdoor funeral service is being held for a military service member. About 600 feet from the service is a large group of persons protesting the military. The group is shouting at the direction of the service offensive and vulgar comments causing the services to be halted until the police arrive.

**Scenario #4:** 42.07 Harassment (related chapters include U.S./Texas Constitution; CCP; Arrest, Search and Seizure). The student/officer is summoned to classroom B170 at the college campus where the classroom instructor felt fear from a student who threatened to harm them for giving the student an "F" on an exam.

**Scenario #5:** 42.08 Abuse of Corpse (Criminal Investigation). The student/officer is dispatched to the local cemetery regarding trespassers. Upon arrival, a maintenance employee directs the student/officer to the location where the trespassers are located. Believing the suspects are on the property to conduct some form of mischief, the student/officer discovers that the suspects had dug up a grave to break open the casket and steal the corpse as a gang initiation.

**Scenario #6:** 42.12 Discharge of Firearm in Certain Municipalities (Patrol Skills). The student/officer is dispatched to shots fired in a municipal residential area. The municipality has a population of 250,000. Upon arrival in the area, the student/officer hears further gunfire, which leads him/her to a residence where it appears that the homeowner/suspect is seen out in the front of the residence shooting at pigeons with a .22 caliber pistol.

**8.28. Define the offenses involving prostitution and apply the elements of those crimes.**

- Prostitution
  - 43.01- Definitions
  - 43.02- Prostitution
  - 43.021 Solicitation of Prostitution
  - 43.03- Promotion of Prostitution

**Comprehensive Scenario:** In the following scenario, the student will:

- Identify which law(s) was/were suspected.
- Articulate, as appropriate, the proper approach and handling of the suspect(s) and any potential evidence recovery.
- Student will describe the standards of determining if sufficient probable cause exists.
- Assess, as appropriate, if an arrest with or without a warrant is necessary.

**Scenario #1:** 43.02 Prostitution (related chapters include Criminal Investigation; Arrest, Search and Seizure). The student/officer is working in an undercover capacity in the downtown area of the city conducting surveillance on a corner store that has experienced several robberies over the past couple of weeks. During the surveillance, a person offering oral sex for 50 dollars approaches the student/officer.

**8.29. List and apply the elements of crimes against public decency.**

- Obscenity
  - 43.21- Definitions
  - 43.22- Obscene Display or Distribution
  - 43.24- Sale, Distribution, or Display of Harmful Material to Minor
  - 43.25- Sexual Performance by a Child
  - 43.251- Employment Harmful to Children
  - 43.26- Possession or Promotion of Child Pornography
  - 43.261- Electronic Transmission of Certain Visual Material Depicting Minor

**Comprehensive Scenario:** In the following scenario, the student will:

- Identify which law(s) was/were suspected.
- Articulate, as appropriate, the proper approach and handling of the suspect(s) and any potential evidence recovery.
- Student will describe the standards of determining if sufficient probable cause exists.
- Assess, as appropriate, if an arrest with or without a warrant is necessary.

**Scenario #1:** 43.22 Obscene Display or Distribution (related chapters include Professionalism and Ethics; Arrest, Search and Seizure). While on patrol, the student/officer stops at a local convenience store to get a cup of coffee. While in the store, the student/officer observes a rack displaying several magazines showing full nudity of women on the covers open for view to the public.

**Scenario #2:** 43.24 Sale, Distribution, or Display of Harmful Material to Minor (related chapters include Criminal Investigations, U.S. / Texas Constitution). In the same scenario above, the officer also observes a 14-year-old thumbing through one of the pornographic magazines.

**Scenario #3:** 43.26 Possession or Promotion of Child Pornography (related chapters include Criminal Investigation; CCP; Arrest, Search and Seizure). After the execution of a search warrant and examination of the suspect's computer, the student/officer receives the data in print from the forensics technician that shows multiple photographs of naked children engaging in sexual conduct.

**Scenario #4:** 43.261 Electronic Transmission of Certain Visual Material Depicting Minor (Criminal Investigation). During the investigation with the scenario above, the student/officer discovered the suspect had taken and transmitted the photographs to others for financial gain.

**8.30. List and apply the elements of weapons offenses, define prohibited weapons and firearms.**

- Weapons
  - 46.01- Definitions
  - 46.02- Unlawful Carrying Weapons
  - 46.03- Places Weapons Prohibited
  - 46.04- Unlawful Possession of Firearm
  - 46.041- Unlawful Possession of Metal or Body Armor by Felon
  - 46.05- Prohibited Weapons
  - 46.08- Hoax Bombs
  - 46.09- Components of Explosives
  - 46.10- Deadly Weapons in Penal Institution
  - 46.13- Making a Firearm Accessible to a Child
  - 46.15- Non-applicability

**Comprehensive Scenario:** In the following scenario, the student will:

- Identify which law(s) was/were suspected.
- Articulate, as appropriate, the proper approach and handling of the suspect(s) and any potential evidence recovery.
- Student will describe the standards of determining if sufficient probable cause exists.
- Assess, as appropriate, if an arrest with or without a warrant is necessary.

**Scenario #1:** 46.05 Prohibited Weapons (related chapters include Patrol Skills; Arrest and Control; U.S./Texas Constitution; CCP; Arrest, Search and Seizure). While on patrol, the student/officer observes three subjects standing on the side of a convenience store building. To engage in a voluntary conversation with the subjects, the student/officer pulls up next to the subjects. Upon approach, the student/officer observes the suspect hand an object over to one of the other suspects and sees the second suspect obtain possession of the object and place it inside of their back pants pocket. The student/officer being concerned for their safety, detains the second suspect, and conducts a pat down of the suspect's outer clothing. During the pat down frisk, the student/officer recognizes the object to be a tire-deflating device.

**Scenario #2:** 46.10 Deadly Weapon in a Penal Institution (related chapters include Criminal Investigation; Arrest, Search and Seizure). The student/officer is summoned to the local jail where a visitor is being detained by the detention personnel. Upon arrival, the student/officer is advised that the visitor arrived to visit an inmate and was observed by staff to have an object in his left pant pocket. While inside the facility, the visitor/suspect was quickly frisked, and a switchblade knife was recovered.

**8.31. List and apply the elements of gambling offenses.**

- Gambling
  - 47.01- Definitions
  - 47.02- Gambling
  - 47.03- Gambling Promotion
  - 47.06- Possession of Gambling Device, Equipment, or Paraphernalia

**8.32. Define offenses involving illegal use of tobacco.**

- Conduct Affecting Public Health
  - 48.01 – Smoking Tobacco
  - 48.015 – Prohibitions Related to Certain Cigarettes
  - 48.05 – Prohibited Camping

**8.33. Define intoxication, list, and apply the elements of offenses involving intoxication.**

- Intoxication and Alcoholic Beverage Offenses
  - 49.01- Definitions
  - 49.02- Public Intoxication
  - 49.031- Possession of Alcoholic Beverage in Motor Vehicle

- 49.04- Driving While Intoxicated
- 49.045- Driving While Intoxicated with Child Passenger
- 49.06- Boating While Intoxicated
- 49.061- Boating While Intoxicated with Child Passenger
- 49.07- Intoxication Assault
- 49.08- Intoxication Manslaughter
- 49.09- Enhanced Offenses and Penalties
- 49.10- No Defense

**Comprehensive Scenario:** In the following scenario, the student will:

- Identify which law(s) was/were suspected.
- Articulate, as appropriate, the proper approach and handling of the suspect(s) and any potential evidence recovery.
- Student will describe the standards of determining if sufficient probable cause exists.
- Assess, as appropriate, if an arrest with or without a warrant is necessary.

**Scenario #1:** 49.02 Public Intoxication (related chapters include Patrol Skills; Arrest and Control; U.S./Texas Constitution; CCP; Arrest, Search and Seizure). While on patrol, the student/officer observes the suspect walking along the side of the roadway with the appearance of being lost. The student/officer stops to assist the suspect and upon approach, the student/officer discovers the suspect to be highly intoxicated and disoriented.

**Scenario #2:** 49.031 Possession of Alcoholic Beverage in Motor Vehicle (related chapters include Traffic; Patrol Skills; Arrest, Search and Seizure). The student/officer observes a vehicle traveling over the posted speed limit and conducts a stop on the vehicle. Upon approach, the student/officer observes an open/uncapped liquor bottle in the center console of the vehicle, but the driver is eventually cleared of driving while intoxicated after the student/officer conducts a field sobriety test on the subject.

**Scenario #3:** 49.07 Intoxication Assault (related chapters include Emergency Medical Assistance; Intoxicated Driver). The student/officer responds to a motor vehicle involving injuries. Upon arrival to the accident scene, the victim was struck by the suspect's vehicle while legally crossing the street, suffering only minor abrasions. After the investigation, the suspect was determined to be too intoxicated to operate a motor vehicle.

**8.34. Define fireworks and the unlawful use of fireworks.**

- Fireworks
  - 50.01 – Definitions
  - 50.02 – Unlawful use of Fireworks

**8.35. Define organized crime and list the elements needed for these crimes.**

- Organized Crime (See *Nguyen v. State*, 1 S.W.3d 694, 697 (Tex. Crim. App. 1999)).



- 71.01- Definitions
- 71.02- Engaging in Organized Criminal Activity
- 71.022- Coercing, Inducing, or Soliciting Membership in a Criminal Street Gang or Foreign Terrorist Organization

**Instructor Note:** (Primary Level Synthesis/Application) Given a scenario (Written, verbal script, video, or role-play) and a copy of the Penal Code, the student will be able to identify the applicable Penal Code offenses (From list above).