

Understanding Offense Codes

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What We Will Cover

- * What is in a Code
- * Why Citations Do or Do Not Get a Code
- * Examples/Common Questions
- * How to Find the Code You Need
 - * Which Code Do You Use?

Of Interest

- * How many current, active offense codes in Version 14?
 - * 2070
- * How many total offense codes have existed since codes began to be used in 1993?
 - * 5253
- * DPS does not assign 'active/effective' dates to codes.
 - * Many possible start dates on many codes, sometimes new laws are retroactive or go into effect at later dates.

An Offense Code

- * 8 Digit Number – combo of NCIC and Texas Specific Numbers
- * Literal – as close to the Title of the citation or Chapter as possible – space limitation
- * Statute – the Texas statute, Penal Code, Transportation Code, etc.
- * Citation – the specific Citation of the Offense
- * L/D – Level and Degree of the Offense
 - * Specific or General – MA, F3 or M*, F*

Why Citations are assigned codes
or not assigned codes?

Preparatory Offenses

- * Penal Code CH 15
 - * Attempt - A
 - * Solicitation - S
 - * Solicitation of a Minor - M
 - * Conspiracy - C
- * Use the offense code for the crime that was attempted, solicited or conspired
- * The GOC (General Offense Character) field
- * Lowers the Level/Degree by one

General Enhancements

- * Penal Code CH 12

- * 12.42 & 12.43 – Repeat & Habitual

- * 12.47 – Bias and/or Prejudice

- * 12.49 – Controlled Substance used

- * 12.50 – Committed in a Disaster/Evacuated Area

- * 12.35(c) – FS is increased to F3 if a deadly weapon was used or if a previous specific felony conviction (with qualifiers) – punished as a F3

- * **The Punishment is increased – does not say the person will be convicted of the higher L/D**

- * In all of these – use the existing code & applicable (enhanced) sentence/punishment info

Misdemeanor Class C

- * Arrest reporting for Adults is optional
 - * Do Not report MC on Juveniles
- * Must use the Arrest Disposition 233
 - * Closes the arrest, keeps it off of Open Offense Reports and is a final disposition for the Completeness Reports
- * Use the generic MC offense Codes
 - * Are general to an entire Statute or type of offense – e.g. 54999999 for all MC Traffic offenses
 - * Will end with 9999
 - * Write the specific literal, statute and citation
 - * Prosecutors & Courts use these too for cases that are Reduced to MC

Juvenile Information

- * Why not report Juvenile MC?
 - * DPS cannot collect that information per Family Code 58.102(c)
 - DPS cannot collect information on charges not allowed by FC CH 58.104(a) – fine only offenses
- * What about CINS offenses?
 - * Conduct Indicating a Need for Supervision
 - * Listed in 51.03
 - * DPS cannot collect info for Juvenile CINS
- * Other Non-Reportable Juvenile offenses
 - * Inhalant abuse (CINS)

Citation Wording

- * Reading a Statute or Bill – document posted online
 - * By the Texas Legislative Council
 - * Defines different types of Bills and their substance
 - * Including ‘Enforcement Provisions’
- * When looking for the citation of the offense
 - * Look for specifics:
 - * Citation says ‘An offense under this...’; and
 - * Lists a specific L/D; or
 - * Lists a range of punishment that falls within a specific L/D (MB through FX)
 - * Is not fine only
 - * Section Title of ‘Criminal Penalty’ at end of Chapter or Subchapter

Citation Wording

- * 22990001 - Burglary of a Building – 30.02(c)(1) – PC – FS
 - * (c) Except as provided in Subsection (d), an offense under this section is a:
 - * (1) state jail felony if committed in a building other than a habitation; or
- * Citation is specific, stating exactly the L/D of the offense
- * 30.02(a)(1-3) describes what constitutes burglary – actual ‘Enforcement’ provision (an offense is... L/D) is listed in (c) and (d) = citation associated with the code – 30.02(c)(1)

Citation Wording

- * Occupations Code Chapter 1104 – Appraisal Management Companies
 - * Many definitions, exemptions, Board set up and rules as well as registration requirements for the businesses
 - * These all set up regulations of various rules that the Board, the owners and the employees must follow in order to be registered
 - * Actual ‘Enforcement’ provisions (e.g. penalties) are listed in Subchapter F, with criminal offenses in 1104.253(b) – This is the citation associated with the offense code

Citation Wording

IAT

‘If at trial’

Citation Wording - IAT

- * 25020014 – Knowingly Altered License Plate IAT – TC 504.945(b)
- * Sec. 504.945. WRONG, FICTITIOUS, ALTERED, OR OBSCURED LICENSE PLATE.
 - * (b) Except as provided by Subsection (e), an offense under Subsection (a) is a misdemeanor punishable by a fine of not more than \$200, unless it is shown at the trial of the offense that the owner knowingly altered or made illegible the letters, numbers, and other identification marks, in which case the offense is a Class B misdemeanor.
- * IAT will indicate citations with ‘if at trial’ wording

Citation Wording - IAT

- * 53990011 – Interfer w/emergency call w/prev conv – PC 42.062(c)
- * Sec. 42.062. INTERFERENCE WITH EMERGENCY TELEPHONE CALL.
 - * (c) An offense under this section is a Class A misdemeanor, except that the offense is a state jail felony if the actor has previously been convicted under this section.
- * Specifically states the ‘previous conviction’ and gives a specific upped L/D

Citation Wording

Drug Free Zones

Citation Wording - DFZ

- * Health and Safety Code – 481.134
- * (b) An offense otherwise punishable as a state jail felony under Section is punishable as a felony of the third degree, and an offense otherwise punishable as a felony of the second degree under any of those sections is punishable as a felony of the first degree, if it is shown at the punishment phase of the trial of the offense that the offense was committed:

Citation Wording - DFZ

- * Health and Safety Code – 481.134
- * (c) The minimum term of confinement or imprisonment for an offense otherwise punishable under Section is increased by five years and the maximum fine for the offense is doubled if it is shown on the trial of the offense that the offense was committed:

Citation Wording – DFZ/IAT

- * Health and Safety Code – 481.134
- * (d) An offense otherwise punishable under Section is a felony of the third degree if it is shown on the trial of the offense that the offense was committed:
- * (e) An offense otherwise punishable under Section is a state jail felony if it is shown on the trial of the offense that the offense was committed:
- * (f) An offense otherwise punishable under Section is a Class A misdemeanor if it is shown on the trial of the offense that the offense was committed:

Common Questions

- * Preparatory Offenses – PC CH 15
 - * Use the existing code & GOC field – A, C, S or M
 - * L/D reduced by a level
- * Enhancements – PC CH 12
 - * Use the existing code & enhanced sentencing info

Common Questions

- * Failure to Stop and Render Aid
 - * Citation Title is 'Accident Involving'
- * Theft of Stolen Property
 - * Is included in Theft of Property Codes – PC 31.03(b)(2) - the property is stolen and the actor appropriates the property knowing it was stolen by another – (a), (b) and (c) define 'Theft'
 - * 'Enforcement' provisions are under 31.03(e) and (f)
- * Theft by Check – 31.06
 - * (f) If the actor obtained property by issuing or passing a check or similar sight order for the payment of money, the actor's intent to deprive the owner of the property under Section 31.03 (Theft) is presumed

Common Questions

- * Driving Without a License – TRC 521.021
 - * A person, other than a person expressly exempted under this chapter, may not operate a motor vehicle on a highway in this state unless the person holds a driver's license issued under this chapter. – Not 'Enforcement' provision
 - * Is included in an offense later in the subchapter – 521.025(c) and is a fine only offense until the third violation
 - * This means no offense code for the first or second violation

Common Questions

- * How do I find an offense code for a crime that was committed 10 years ago?
 - * Find the specific Statute and Citation from 10 years ago
 - * Look in the most up to date version of the offense codes
 - * If that 10 year old statute/citation is there, use the current, existing offense code
 - * If that 10 year old citation is not there, review earlier versions of the codes until you find that citation – use that code
 - * Pre 1993 offenses (before offense codes) – do the same thing
 - * If you cannot find the code, contact your CJIS Field representative

Common Questions

- * How can we get our software programs updated with new codes or who do we contact to add new codes?
- * Contact your software vendor. All DPS systems are updated with the new codes before the update is released.

Common Questions

- * ICC – Out of State Probation/Parole Transfer
 - * Parole – use 00050000
 - * Probation – use 00040000
 - * Literal field – Prob/Parole Transf from Which State
- * Other Required fields on the CR-23
 - * Out of State ID
 - * Custodial ORI
 - * Date Received
 - * Expiration Date
 - * On Parole – Parole Number

Why Discontinue Codes

- * Changes in Citation
- * Changes in Statute
- * Changes in L/D
- * Existing code is incorrect
 - * Citation
 - * Statute
 - * L/D
 - * NCIC
 - * Example – Updates to Harassment codes on 02/03/2014, from 6299 & 7099 to 1316

Finding the Code You Need

- * **Online Here:**

http://www.txdps.state.tx.us/administration/crime_records/pages/appndxKOffenseCodes.htm

- * Find the most recent version of the offense codes – currently Version 14
- * Is available in Excel and Word in Code, Alpha and Statute order – Changes/updates available in Excel
- * Also available on the CJIS Site

Finding the Code You Need

- * Statute Order
 - * Statutes listed alphabetically (ABC, AGC, BCC, etc.) and then numerically within the statute
 - * No matter the code or the literal, you will be able to find the statute/citation
- * Alpha Order
 - * Many possibilities for start of literal or literal may not be what you think (based on citation title)
- * Code Order
 - * More challenging unless you know the beginning 4 NCIC digits

Questions

- * Have followed these steps and tips and cannot find what you need
- * Contact your CJIS Field Representative with the specific Statute and Citation of the offense

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