

# Understanding Offense Codes

Cassandra Richey



# New Contact for Offense Codes

- John Morse
- CJIS Field Support Supervisor
- [John.morse@dps.texas.gov](mailto:John.morse@dps.texas.gov)
- 512-424-5067

# What We Will Cover

- What is an Offense Code?
- Which Citations Will Get a Code?
- Examples/Common Questions.
- How to Find the Code You Need.
  - Which Code Do You Use?
  - Questions at the End

# Of Interest

- How many current, active offense codes are in Version 17?
  - 2,351 – 114 added since 2018 Conference
- How many total offense codes have existed since codes began to be used in 1993?
  - 7,317 – 643 difference from 2018 Conference
- 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, HSC, etc.
- Citation – the specific Citation of the Offense, 37.10(c)(4), 504.946(e)(1), etc.
- L/D – Level and Degree of the Offense
  - Specific or General – MA, F<sub>3</sub> or M\*, F\*



# Which Citations Will Get a Code

# Preparatory Offenses

- Penal Code CH 15
  - A - Attempt
  - S - Solicitation
  - M - Solicitation of a Minor
  - C - Conspiracy
- 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
- Do Not have individual offense codes

# 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 \*Mandatory for FV
  - Do Not report MC Juvenile Referrals
- Must use the Arrest Disposition **233**
  - Closes the arrest, keeps it off of Open Offense Report and is a final disposition for the Completeness Reports
- Use generic MC offense Codes
  - Are general to an entire Statute or type of offense – e.g. 55999999 for all MC Health & Safety offenses
  - Write the specific literal, statute and citation
  - Prosecutors & Courts use these codes for cases that are Reduced to MC

# Misdemeanor Class C

- HB 1528
  - Mandatory to fingerprint Adult Family Violence charges
  - Mandatory to report Court Disposition of those MCFV charges
- Use the appropriate generic MC Offense Code
- Use the appropriate Arrest Disposition Code and Court Disposition Code
- More detail on this reporting will be included in the CJIS Breakout Sessions today.

# Juvenile Information

- Why not report Juvenile MC?
  - DPS cannot collect Juvenile MC 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 FC CH 51.03
  - DPS cannot collect info for Juvenile CINS
- Juvenile Intake, Prosecutor, & Court Agencies – Use MC codes when a case is Reduced to MC

# 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 L/D range (MB through FX)
    - Is not fine only
    - Section Title of 'Criminal Penalty" at end of Chapter or Subchapter

# Citation Wording

- 57070020 – Criminal Trespass – PC – 30.05(d)(1) – MB
  - (d) An offense under this section is:
  - (1) a Class B misdemeanor, except as provided by Subdivisions (2) and (3);
  - Citation is specific, stating exactly the L/D of the offense
  - Additional codes for the Subdivision (2) and (3) sections
- 30.05(a) describes the actions and knowledge that constitute Criminal Trespass – actual 'Enforcement' provisions are listed in (d) = citation associated with the code – 30.05(d). The numbers (1), (3)(A), (3)(B) and (3)(C) specify the L/D for different specifics (Habitation, Inst. Of Higher Educ., etc.).
  - 30.05(d)(2) is MC, does not get an individual offense code.

# Citation Wording

- Occupations Code Chapter 901 – Accountants
  - Many definitions, exemptions, set up of rules and boards and registration requirements for the businesses and individuals
  - These all set up regulations the businesses and boards must follow in order to be registered and conduct business
  - Only One actual 'Criminal Penalty' listed under 901.602
    - Definition: (a) A person commits an offense if the person violates this chapter. Each violation is a separate offense.
    - Enforcement Provisions are in 901.602(b)



## Citation Wording

IAT

'If at trial'

# Citation Wording - IAT

- 26070301 – HEALTH CARE FRAUD =>50 CLAIMS IAT  
– PC – 35A.02(b)(6)(B)
- Sec. 35A.02 Health Care Fraud
  - (b) An offense under this section is:
  - (6) a felony of the second degree if:
  - (B) it is shown on the trial of the offense that the defendant submitted 50 or more fraudulent claims under a health care program and the submission of each claim constitutes conduct prohibited by Subsection (a);
- IAT will indicate citations with 'if at trial' or 'shown on the trial of' wording



# Citation Wording – Prev Conv

- 73990191 – TRANSPORT HOUSE GOODS W/O REG  
PREV CONV – TRC – 643.253(e)(1)
- Sec. 643.253 OFFENSES AND PENALTIES
  - (e) An offense under Subsection (b) is a Class C misdemeanor, except that the offense is:
    - (1) a Class B misdemeanor if the person has previously been convicted one time of an offense under Subsection (b)
- Specifically states the 'previous conviction' and gives a specific increased L/D

## Common Questions

- Preparatory Offenses – PC CH 15
  - Use the existing code & GOC field – A, C, S or M
  - L/D reduced by one level
- Enhancements – PC CH 12
  - Use the existing code & enhanced sentencing info & (if) Applicable CPN

# Common Questions

- Failure to Stop and Render Aid
  - Citation Title is 'Accident Involving'
- 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
- 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)

# 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 an Enforcement provision, Is a Definition
  - Included in an offense (Enforcement provision) later in the subchapter – 521.025(c) and is a fine only offense until the third violation
  - This means no specific offense code for the first or second violation
    - 54990025 - LICENSE CARRIED/EXHIBITED ON DEMAND 3<sup>RD</sup> – TRC 521.025 - M\*
    - 1<sup>st</sup> or 2<sup>nd</sup> violation – use generic Traffic MC Offense Code

# Common Questions

- Engaging in Organized Criminal Activity – PC 71.02
  - Except as provided in Subsections (c) and (d), an offense under this section is one category higher than the most serious offense listed in Subsection (a) that was committed
  - Conspiring to commit an offense under this section is of the same degree as the most serious offense listed in Subsection (a) that the person conspired to commit
  - There are codes for each L/D for Engaging. It is an additional offense. A person would be charged with offense committed and with Engaging

# 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 (Currently Version 17)
  - 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 the citation – use that code
  - Pre 1993 offenses (before offense codes) – do the same thing
  - If you cannot find the code, contact your CJIS Field Auditor with the statute and citation information

# Common Questions

- How do 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

- Interstate Compact Commission – Out of State Probation/Parole Transfer – CR-23
  - Parole – use 00050000
  - Probation – use 00040000
  - Literal field – Prob/Parole Transfer 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 – Update to: FAIL TO REPORT FELONY W/SBI OR DEATH RESULTS – From 3699 to 4812 on 09/18/2017

# Finding the Code You Need

- Online Here:  
[https://www.dps.texas.gov/administration/crime\\_records/pages/appndxKOffenseCodes.htm](https://www.dps.texas.gov/administration/crime_records/pages/appndxKOffenseCodes.htm)
- The most recent version of the offense codes – currently Version 17
- Is available in Excel and Word in Code, Alpha and Statute order – Changes/updates available in Excel
- Also available as a report 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
  - Based on the beginning 4 NCIC digits

# Questions

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

# Unsupported Dispositions

<b>2017</b>	
<b>2018</b>	
<b>MURDER</b>	114
<b>SEX ASSAULT</b>	590
<b>ROBBERY</b>	777
<b>ASSAULT</b>	4746
<b>BURGLARY</b>	1001
<b>2017</b>	
<b>2019</b>	
<b>MURDER</b>	119
<b>SEX ASSAULT</b>	591
<b>ROBBERY</b>	855
<b>ASSAULT</b>	4921
<b>BURGLARY</b>	1133

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