

Understanding Offense Codes

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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 in Version 16?
 - 2237 – 116 added since 2016 Conference (September 2016)
- How many total offense codes have existed since codes began to be used in 1993?
 - 6673 – 1168 difference from 2016 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
- L/D – Level and Degree of the Offense
 - Specific or General – MA, F3 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
 - 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

Juvenile Information

- Why not report Juvenile MC?
 - DPS cannot collect Juv 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, I, P, & C – 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

- 63000001 – Money Laundering $\geq \$2,500 < \$30K$ – PC – 34.02(e)(1) – FS
 - (e) An offense under this section is:
 - (1) a state jail felony if the value of the funds is \$2,500 or more but less than \$30,000
 - Citation is specific, stating exactly the L/D of the offense
- 34.02(a), (a-1), and (b) describe the actions and knowledge that constitute Money Laundering – actual ‘Enforcement’ provisions are listed in (e) = citation associated with the code – 34.02(e). The numbers (1), (2), (3), and (4) specify the L/D for different monetary amounts.

Citation Wording

- Occupations Code Chapter 1104 – Appraisal Management Companies
 - Many definitions, exemptions, set up of rules and boards as well as 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 1104.253(b) for ‘a person engaging in activity for which registration is required under this chapter without being registered.’

Citation Wording

IAT

'If at trial'

Citation Wording - IAT

- 57070021 – CRIMINAL TRESPASS INST HIGH EDU
PREV CONV IAT – PC – 30.05(d)(3)(B)
- Sec. 30.05 CRIMINAL TRESSPASS
 - (d) An offense under this section is:
 - (3) a Class A misdemeanor if:
 - (B) the offense is committed on or in property of an institution of higher education and it is shown on the trial of the offense that the person has previously been convicted of:
 - (i) an offense under this section relating to entering or remaining on or in property of an institution of higher education; or
 - (ii) an offense under Section 51.204(b)(1), Education Code, relating to trespassing on the grounds of an institution of higher education; or
- IAT will indicate citations with 'if at trial' or 'shown at trial' wording

Citation Wording – Prev Conv

- 53990011 – INTERFER W/EMER REQ FOR ASSIST W/PREV CONVIC – PC 42.062(c)
- Sec. 42.062 INTERFERENCE WITH EMERGENCY REQUEST FOR ASSISTANCE
 - (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 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 '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 specific offense code for the first or second violation
 - 54990025 - LICENSE CARRIED/EXHIBITED ON DEMAND 3RD
– TRC 521.025 - M*

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 16)
 - 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 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:
http://www.dps.texas.gov/administration/crime_records/pages/appndxKOffenseCodes.htm
- The most recent version of the offense codes – currently Version 16
- 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

2016	
MURDER	165
SEX ASSAULT	779
ROBBERY	1050
ASSAULT	5403
BURGLARY	1265

2017	
MURDER	134
SEX ASSAULT	656
ROBBERY	945
ASSAULT	5693
BURGLARY	1343

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