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| **TEXAS CTE LESSON PLAN**  [www.txcte.org](http://www.txcte.org) | |
| **Lesson Identification and TEKS Addressed** | |
| **Career Cluster** | Law, Public Safety, Corrections, & Security |
| **Course Name** | Law Enforcement I |
| **Lesson/Unit Title** | Texas Penal Code - Assaultive Offenses |
| **TEKS Student Expectations** | **130.336. (c) Knowledge and Skills**  (8) The student analyzes procedural and substantive criminal law.  (A) The student is expected to define crime categories and respective punishments according to the Texas Penal Code.  (B) The student is expected to analyze the elements of criminal acts according to Texas laws, including Alcoholic Beverage Code, Family Code, Penal Code, Health and Safety Code, and Criminal Code of Procedure.  (D) The student is expected to analyze types of criminal defenses. |
| **Basic Direct Teach Lesson**  (Includes Special Education Modifications/Accommodations and  one English Language Proficiency Standards (ELPS) Strategy) | |
| **Instructional Objectives** | The student will be able to:  1. Discuss the elements of assault and other crimes against the  person.  2. Role-play the various crimes.  3. Critique the work of other students and determine whether they portrayed the crimes accurately. |
| **Rationale** | Police officers respond to a variety of assault calls. They must be able to distinguish the appropriate level of the assault and the charges. |
| **Duration of Lesson** | 5 to 7 hours |
| **Word Wall/Key Vocabulary**  *(ELPS c1a,c,f; c2b; c3a,b,d; c4c; c5b) PDAS II(5)* |  |
| **Materials/Specialized Equipment Needed** |  |
| **Anticipatory Set**  (May include pre-assessment for prior knowledge) | Use the following questions for a class discussion. Has anyone witnessed or been a victim of domestic violence? If so, what kind of effect does it have on a family? How does it affect small kids? Use the Discussion Rubric for assessment. |
| **Direct Instruction \*** | [Texas Penal Code. Title 5. Offenses Against the Person. Chapter 22.](http://www.statutes.legis.state.tx.us/Docs/PE/htm/PE.22.htm#00)  [ASSAULTIVE OFFENSES.](http://www.statutes.legis.state.tx.us/Docs/PE/htm/PE.22.htm#00)  [Sec. 22.01. ASSAULT.](http://www.statutes.legis.state.tx.us/Docs/PE/htm/PE.22.htm#22.01)   1. A person commits an offense if the person: 2. Intentionally, knowingly, or recklessly causes bodily injury to another, including the person's spouse; 3. Intentionally or knowingly threatens another with imminent bodily injury, including the person's spouse; or 4. Intentionally or knowingly causes physical contact with another when the person knows or should reasonably believe that the other will regard the contact as offensive or provocative. 5. An offense under Subsection (a)(1) is a Class A misdemeanor, except that the offense is a felony of the third degree if the offense is committed against: 6. A person the actor knows is a public servant while the public servant is lawfully discharging an official duty, or in retaliation or on account of an exercise of official power or performance of an official duty as a public servant;   [Sec. 22.011. SEXUAL ASSAULT.](http://www.statutes.legis.state.tx.us/Docs/PE/htm/PE.22.htm#22.011)   1. A person commits an offense if the person: 2. Intentionally or knowingly: 3. Causes the penetration of the anus or sexual organ of another person by any means, without that person's consent; 4. Causes the penetration of the mouth of another person by the sexual organ of the actor, without that person's consent; or 5. Causes the sexual organ of another person, without that person's consent, to contact or penetrate the mouth, anus, or sexual organ of another person, including the actor; or 6. Intentionally or knowingly:    * 1. causes the penetration of the anus or sexual organ of a child by any means;      2. causes the penetration of the mouth of a child by the sexual organ of the actor;      3. causes the sexual organ of a child to contact or penetrate the mouth, anus, or sexual organ of another person, including the actor;      4. causes the anus of a child to contact the mouth, anus, or sexual organ of another person, including the actor; or      5. causes the mouth of a child to contact the anus or sexual organ of another person, including the actor. 7. A sexual assault under Subsection (a)(1) is without the consent of the other person if:    1. The actor compels the other person to submit or participate by the use of physical force or violence;    2. The actor compels the other person to submit or participate by threatening to use force or violence against the other person, and the other person believes that the actor has the present ability to execute the threat;    3. The other person has not consented and the actor knows the other person is unconscious or physically unable to resist;    4. The actor knows that as a result of mental disease or defect the other person is at the time of the sexual assault incapable either of appraising the nature of the act or of resisting it;    5. The other person has not consented and the actor knows the other person is unaware that the sexual assault is occurring;    6. The actor has intentionally impaired the other person's power to appraise or control the other person's conduct by administering any substance without the other person's knowledge;    7. The actor compels the other person to submit or participate by threatening to use force or violence against any person, and the other person believes that the actor has the ability to execute the threat;    8. The actor is a public servant who coerces the other person to submit or participate;    9. The actor is a mental health services provider or a health care services provider who causes the other person, who is a patient or former patient of the actor, to submit or participate by exploiting the other person's emotional dependency on the actor;    10. The actor is a clergyman who causes the other person to submit or participate by exploiting the other person's emotional dependency on the clergyman in the clergyman's professional character as spiritual adviser; or    11. The actor is an employee of a facility where the other person is a resident, unless the employee and resident are formally or informally married to each other under Chapter 2, Family Code. 8. In this section:    1. "Child" means a person younger than 17 years of age.    2. "Spouse" means a person who is legally married to another.    3. "Health care services provider" means:       1. A physician licensed under Subtitle B, Title 3, Occupations Code;       2. A chiropractor licensed under Chapter 201, Occupations Code;       3. A physical therapist licensed under Chapter 453, Occupations Code;       4. A physician assistant licensed under Chapter 204, Occupations Code; or       5. A registered nurse, a vocational nurse, or an advanced practice nurse licensed under Chapter 301, Occupations Code. 9. "Mental health services provider" means an individual, licensed or unlicensed, who performs or purports to perform mental health services, including a: 10. Licensed social worker as defined by Section 11. Chemical dependency counselor as defined by Section [504.001,](http://www.statutes.legis.state.tx.us/GetStatute.aspx?Code=OC&Value=504.001&Date=6/28/2014) Occupations Code; 12. Licensed professional counselor as defined by Section [503.002,](http://www.statutes.legis.state.tx.us/GetStatute.aspx?Code=OC&Value=503.002&Date=6/28/2014) Occupations Code; 13. Licensed marriage and family therapist as defined by Section [502.002,](http://www.statutes.legis.state.tx.us/GetStatute.aspx?Code=OC&Value=502.002&Date=6/28/2014) Occupations Code; 14. Member of the clergy; 15. Psychologist offering psychological services as defined by Section [501.003,](http://www.statutes.legis.state.tx.us/GetStatute.aspx?Code=OC&Value=501.003&Date=6/28/2014) Occupations Code; or 16. Special officer for mental health assignment certified under Section [1701.404,](http://www.statutes.legis.state.tx.us/GetStatute.aspx?Code=OC&Value=1701.404&Date=6/28/2014) Occupations Code. 17. "Employee of a facility" means a person who is an employee of a facility defined by Section [250.001,](http://www.statutes.legis.state.tx.us/GetStatute.aspx?Code=HS&Value=250.001&Date=6/28/2014) Health and Safety Code, or any other person who provides services for a facility for compensation, including a contract laborer. 18. It is a defense to prosecution under Subsection (a)(2) that the conduct consisted of medical care for the child and did not include any contact between the anus or sexual organ of the child and the mouth, anus, or sexual organ of the actor or a third party. 19. It is an affirmative defense to prosecution under Subsection (a)(2):     1. That the actor was the spouse of the child at the time of the offense; or     2. That:     3. The actor was not more than three years older than the victim and at the time of the offense:        1. Was not required under Chapter 62, Code of Criminal Procedure, to register for life as a sex offender; or        2. Was not a person who under Chapter 62, Code of Criminal Procedure, had a reportable conviction or adjudication for an offense under this section; and     4. The victim:        1. Was a child of 14 years of age or older; and        2. Was not a person whom the actor was prohibited from marrying or purporting to marry or with whom the actor was prohibited from living under the appearance of being married under Section [25.01.](http://www.statutes.legis.state.tx.us/GetStatute.aspx?Code=PE&Value=25.01&Date=6/28/2014) 20. An offense under this section is a felony of the second degree, except that an offense under this section is a felony of the first degree if the victim was a person whom the actor was prohibited from marrying or purporting to marry or with whom the actor was prohibited from living under the appearance of being married under Section [25.01.](http://www.statutes.legis.state.tx.us/GetStatute.aspx?Code=PE&Value=25.01&Date=6/28/2014)   Sec. 22.02. AGGRAVATED ASSAULT   1. A person commits an offense if the person commits assault as defined in Sec. [22.01](http://www.statutes.legis.state.tx.us/GetStatute.aspx?Code=PE&Value=22.01&Date=6/28/2014) and the person:    1. Causes serious bodily injury to another, including the person's spouse; or    2. Uses or exhibits a deadly weapon during the commission of the assault. 2. An offense under this section is a felony of the second degree, except that the offense is a felony of the first degree if:    1. The actor uses a deadly weapon during the commission of the assault and causes serious bodily injury to a person whose relationship to or association with the defendant is described by Section [71.0021](http://www.statutes.legis.state.tx.us/GetStatute.aspx?Code=FA&Value=71.0021&Date=6/28/2014)(b), [71.003,](http://www.statutes.legis.state.tx.us/GetStatute.aspx?Code=FA&Value=71.003&Date=6/28/2014) or [71.005,](http://www.statutes.legis.state.tx.us/GetStatute.aspx?Code=FA&Value=71.005&Date=6/28/2014) Family Code;    2. Regardless of whether the offense is committed under Subsection (a)(1) or (a)(2), the offense is committed:       * 1. By a public servant acting under color of the servant's office or employment;         2. Against a person the actor knows is a public servant while the public servant is lawfully discharging an official duty, or in retaliation or on account of an exercise of official power or performance of an official duty as a public servant;         3. In retaliation against or on account of the service of another as a witness, prospective witness, informant, or person who has reported the occurrence of a crime; or         4. Against a person the actor knows is a security officer while the officer is performing a duty as a security officer; or    3. the actor is in a motor vehicle, as defined by Section [501.002,](http://www.statutes.legis.state.tx.us/GetStatute.aspx?Code=TN&Value=501.002&Date=6/28/2014) Transportation Code, and:       * 1. Knowingly discharges a firearm at or in the direction of a habitation, building, or vehicle;         2. Is reckless as to whether the habitation, building, or vehicle is occupied; and         3. In discharging the firearm, causes serious bodily injury to any person.    4. Expired. 3. The actor is presumed to have known the person assaulted was a public servant or a security officer if the person was wearing a distinctive uniform or badge indicating the person's employment as a public servant or status as a security officer. 4. In this section, "security officer" means a commissioned security officer as defined by Section [1702.002,](http://www.statutes.legis.state.tx.us/GetStatute.aspx?Code=OC&Value=1702.002&Date=6/28/2014) Occupations Code, or a noncommissioned security officer registered under Section [1702.221,](http://www.statutes.legis.state.tx.us/GetStatute.aspx?Code=OC&Value=1702.221&Date=6/28/2014) Occupations Code.   Sec. 22.021. AGGRAVATED SEXUAL ASSAULT.   1. A person commits an offense:    1. If the person:       * 1. Intentionally or knowingly:       1. Causes the penetration of the anus or sexual organ of another person by any means, without that person's consent;       2. Causes the penetration of the mouth of another person by the sexual organ of the actor, without that person's consent; or       3. Causes the sexual organ of another person, without that person's consent, to contact or penetrate the mouth, anus, or sexual organ of another person, including the actor; or          1. Intentionally or knowingly: 2. Causes the penetration of the anus or sexual organ of a child by any means; 3. Causes the penetration of the mouth of a child by the sexual organ of the actor; 4. Causes the sexual organ of a child to contact or penetrate the mouth, anus, or sexual organ of another person, including the actor; 5. Causes the anus of a child to contact the mouth, anus, or sexual organ of another person, including the actor; or 6. Causes the mouth of a child to contact the anus or sexual organ of another person, including the actor; and    1. If:       * 1. The person: 7. Causes serious bodily injury or attempts to cause the death of the victim or another person in the course of the same criminal episode; 8. By acts or words places the victim in fear that any person will become the victim of an offense under Section [20A.02](http://www.statutes.legis.state.tx.us/GetStatute.aspx?Code=PE&Value=20A.02&Date=6/28/2014)(a)(3), (4), (7), or (8) or that death, serious bodily injury, or kidnapping will be imminently inflicted on any person; 9. By acts or words occurring in the presence of the victim threatens to cause any person to become the victim of an offense under Section [20A.02](http://www.statutes.legis.state.tx.us/GetStatute.aspx?Code=PE&Value=20A.02&Date=6/28/2014)(a)(3), (4), (7), or (8) or to cause the death, serious bodily injury, or kidnapping of any person; 10. Uses or exhibits a deadly weapon in the course of the same criminal episode; 11. Acts in concert with another who engages in conduct described by Subdivision (1) directed toward the same victim and occurring during the course of the same criminal episode; or 12. Administers or provides flunitrazepam, otherwise known as rohypnol, gamma hydroxybutyrate, or ketamine to the victim of the offense with the intent of facilitating the commission of the offense;     * + 1. The victim is younger than 14 years of age; or         2. The victim is an elderly individual or a disabled individual. 13. In this section:     1. "Child" has the meaning assigned by Section [22.011](http://www.statutes.legis.state.tx.us/GetStatute.aspx?Code=PE&Value=22.011&Date=6/28/2014)(c).     2. "Elderly individual" and "disabled individual" have the meanings assigned by Section [22.04](http://www.statutes.legis.state.tx.us/GetStatute.aspx?Code=PE&Value=22.04&Date=6/28/2014)(c). 14. An aggravated sexual assault under this section is without the consent of the other person if the aggravated sexual assault occurs under the same circumstances listed in Section [22.011](http://www.statutes.legis.state.tx.us/GetStatute.aspx?Code=PE&Value=22.011&Date=6/28/2014)(b). 15. The defense provided by Section [22.011](http://www.statutes.legis.state.tx.us/GetStatute.aspx?Code=PE&Value=22.011&Date=6/28/2014)(d) applies to this section. 16. An offense under this section is a felony of the first degree. 17. The minimum term of imprisonment for an offense under this section is increased to 25 years if:     1. The victim of the offense is younger than six years of age at the time the offense is committed; or     2. The victim of the offense is younger than 14 years of age at the time the offense is committed and the actor commits the offense in a manner described by Subsection (a)(2)(A).   [Sec. 22.04. INJURY TO A CHILD, ELDERLY INDIVIDUAL, OR](http://www.statutes.legis.state.tx.us/Docs/PE/htm/PE.22.htm#22.04) [DISABLED INDIVIDUAL.](http://www.statutes.legis.state.tx.us/Docs/PE/htm/PE.22.htm#22.04)   1. A person commits an offense if he intentionally, knowingly, recklessly, or with criminal negligence, by act or intentionally, knowingly, or recklessly by omission, causes to a child, elderly individual, or disabled individual:    1. Serious bodily injury;    2. Serious mental deficiency, impairment, or injury; or    3. Bodily injury.   A-1. A person commits an offense if the person is an owner, operator, or employee of a group home, nursing facility, assisted living facility, intermediate care facility for persons with mental retardation, or other institutional care facility and the person intentionally, knowingly, recklessly, or with criminal negligence by omission causes to a child, elderly individual, or disabled individual who is a resident of that group home or facility:   * + - 1. Serious bodily injury;       2. Serious mental deficiency, impairment, or injury; or       3. Bodily injury.  1. An omission that causes a condition described by Subsection (a)(1), (2), or (3) or (a-1)(1), (2), or (3) is conduct constituting an offense under this section if:    * + 1. The actor has a legal or statutory duty to act; or        2. The actor has assumed care, custody, or control of a child, elderly individual, or disabled individual. 2. In this section:    * + 1. "Child" means a person 14 years of age or younger.        2. "Elderly individual" means a person 65 years of age or older.        3. "Disabled individual" means a person older than 14 years of age who by reason of age or physical or mental disease, defect, or injury is substantially unable to protect himself from harm or to provide food, shelter, or medical care for himself.        4. Repealed by Acts 2011, 82nd Leg., R.S., Ch. 620, Sec. 11, eff. September 1, 2011. 3. For purposes of an omission that causes a condition described by Subsection (a)(1), (2), or (3), the actor has assumed care, custody, or control if he has by act, words, or course of conduct acted so as to cause a reasonable person to conclude that he has accepted responsibility for protection, food, shelter, and medical care for a child, elderly individual, or disabled individual. For purposes of an omission that causes a condition described by Subsection (a-1)(1), (2), or (3), the actor acting during the actor's capacity as owner, operator, or employee of a group home or facility described by Subsection (a-1) is considered to have accepted responsibility for protection, food, shelter, and medical care for the child, elderly individual, or disabled individual who is a resident of the group home or facility. 4. An offense under Subsection (a)(1) or (2) or (a-1)(1) or (2) is a felony of the first degree when the conduct is committed intentionally or knowingly. When the conduct is engaged in recklessly, the offense is a felony of the second degree. 5. An offense under Subsection (a)(3) or (a-1)(3) is a felony of the third degree when the conduct is committed intentionally or knowingly, except that an offense under Subsection (a)(3) is a felony of the second degree when the conduct is committed intentionally or knowingly and the victim is a disabled individual residing in a center, as defined by Section [555.001,](http://www.statutes.legis.state.tx.us/GetStatute.aspx?Code=HS&Value=555.001&Date=6/28/2014) Health and Safety Code, or in a facility licensed under Chapter 252, Health and Safety Code, and the actor is an employee of the center or facility whose employment involved providing direct care for the victim. When the conduct is engaged in recklessly, the offense is a state jail felony. 6. An offense under Subsection (a) is a state jail felony when the person acts with criminal negligence. An offense under Subsection (a-1) is a state jail felony when the person, with criminal negligence and by omission, causes a condition described by Subsection (a-1)(1), (2), or (3). 7. A person who is subject to prosecution under both this section and another section of this code may be prosecuted under either or both sections. Section [3.04](http://www.statutes.legis.state.tx.us/GetStatute.aspx?Code=PE&Value=3.04&Date=6/28/2014) does not apply to criminal episodes prosecuted under both this section and another section of this code. If a criminal episode is prosecuted under both this section and another section of this code and sentences are assessed for convictions under both sections, the sentences shall run concurrently. 8. It is an affirmative defense to prosecution under Subsection (b)(2) that before the offense the actor:    * + 1. Notified in person the child, elderly individual, or disabled individual that he would no longer provide any of the care described by Subsection (d); and        2. Notified in writing the parents or person other than himself acting in loco parentis to the child, elderly individual, or disabled individual that he would no longer provide any of the care described by Subsection (d); or        3. Notified in writing the Department of Protective and Regulatory Services that he would no longer provide any of the care set forth in Subsection (d). 9. Written notification under Subsection (i)(2) or (i)(3) is not effective unless it contains the name and address of the actor, the name and address of the child, elderly individual, or disabled individual, the type of care provided by the actor, and the date the care was discontinued. 10. It is a defense to prosecution under this section that the act or omission consisted of:     * + 1. Reasonable medical care occurring under the direction of or by a licensed physician; or         2. Emergency medical care administered in good faith and with reasonable care by a person not licensed in the healing arts. 11. It is an affirmative defense to prosecution under this section:     * + 1. That the act or omission was based on treatment in accordance with the tenets and practices of a recognized religious method of healing with a generally accepted record of efficacy;         2. For a person charged with an act of omission causing to a child, elderly individual, or disabled individual a condition described by Subsection (a)(1), (2), or (3) that:     1. There is no evidence that, on the date prior to the offense charged, the defendant was aware of an incident of injury to the child, elderly individual, or disabled individual and failed to report the incident; and     2. The person:        1. Was a victim of family violence, as that term is defined by Section [71.004,](http://www.statutes.legis.state.tx.us/GetStatute.aspx?Code=FA&Value=71.004&Date=6/28/2014) Family Code, committed by a person who is also charged with an offense against the child, elderly individual, or disabled individual under this section or any other section of this title;        2. Did not cause a condition described by Subsection (a)(1), (2), or (3); and        3. Did not reasonably believe at the time of the omission that an effort to prevent the person also charged with an offense against the child, elderly individual, or disabled individual from committing the offense would have an effect; or           1. That: 12. The actor was not more than three years older than the victim at the time of the offense; and 13. The victim was a child at the time of the offense.   [Sec. 22.041. ABANDONING OR ENDANGERING CHILD.](http://www.statutes.legis.state.tx.us/Docs/PE/htm/PE.22.htm#22.041)   1. In this section, "abandon" means to leave a child in any place without providing reasonable and necessary care for the child, under circumstances under which no reasonable, similarly situated adult would leave a child of that age and ability. 2. A person commits an offense if, having custody, care, or control of a child younger than 15 years, he intentionally abandons the child in any place under circumstances that expose the child to an unreasonable risk of harm. 3. A person commits an offense if he intentionally, knowingly, recklessly, or with criminal negligence, by act or omission, engages in conduct that places a child younger than 15 years in imminent danger of death, bodily injury, or physical or mental impairment.   C-1. For purposes of Subsection (c), it is presumed that a person engaged in conduct that places a child in imminent danger of death, bodily injury, or physical or mental impairment if:   * + - 1. The person manufactured, possessed, or in any way introduced into the body of any person the controlled substance methamphetamine in the presence of the child;       2. The person's conduct related to the proximity or accessibility of the controlled substance methamphetamine to the child and an analysis of a specimen of the child's blood, urine, or other bodily substance indicates the presence of methamphetamine in the child's body; or       3. The person injected, ingested, inhaled, or otherwise introduced a controlled substance listed in Penalty Group 1, Section [481.102,](http://www.statutes.legis.state.tx.us/GetStatute.aspx?Code=HS&Value=481.102&Date=6/28/2014) Health and Safety Code, into the human body when the person was not in lawful possession of the substance as defined by Section [481.002](http://www.statutes.legis.state.tx.us/GetStatute.aspx?Code=HS&Value=481.002&Date=6/28/2014)(24) of that code.  1. Except as provided by Subsection (e), an offense under Subsection (b) is: 2. A state jail felony if the actor abandoned the child with intent to return for the child; or 3. A felony of the third degree if the actor abandoned the child without intent to return for the child. 4. An offense under Subsection (b) is a felony of the second degree if the actor abandons the child under circumstances that a reasonable person would believe would place the child in imminent danger of death, bodily injury, or physical or mental impairment. 5. An offense under Subsection (c) is a state jail felony. 6. It is a defense to prosecution under Subsection (c) that the act or omission enables the child to practice for or participate in an organized athletic event and that appropriate safety equipment and procedures are employed in the event. 7. It is an exception to the application of this section that the actor voluntarily delivered the child to a designated emergency infant care provider under Section [262.302,](http://www.statutes.legis.state.tx.us/GetStatute.aspx?Code=FA&Value=262.302&Date=6/28/2014) Family Code.   Sec. 22.05. DEADLY CONDUCT.   1. A person commits an offense if he recklessly engages in conduct that places another in imminent danger of serious bodily injury. 2. A person commits an offense if he knowingly discharges a firearm at or in the direction of:    * 1. One or more individuals; or      2. A habitation, building, or vehicle and is reckless as to whether the habitation, building, or vehicle is occupied. 3. Recklessness and danger are presumed if the actor knowingly pointed a firearm at or in the direction of another whether or not the actor believed the firearm to be loaded. 4. For purposes of this section, "building," "habitation," and "vehicle" have the meanings assigned those terms by Section [30.01.](http://www.statutes.legis.state.tx.us/GetStatute.aspx?Code=PE&Value=30.01&Date=6/28/2014) 5. An offense under Subsection (a) is a Class A misdemeanor. An offense under Subsection (b) is a felony of the third degree.   [Sec. 22.06. CONSENT AS DEFENSE TO ASSAULTIVE CONDUCT.](http://www.statutes.legis.state.tx.us/Docs/PE/htm/PE.22.htm#22.06)   1. The victim's effective consent or the actor's reasonable belief that the victim consented to the actor's conduct is a defense to prosecution under Section [22.01](http://www.statutes.legis.state.tx.us/GetStatute.aspx?Code=PE&Value=22.01&Date=6/28/2014) (Assault), [22.02](http://www.statutes.legis.state.tx.us/GetStatute.aspx?Code=PE&Value=22.02&Date=6/28/2014) (Aggravated Assault), or 22.05 (Deadly Conduct) if:    * 1. The conduct did not threaten or inflict serious bodily injury; or      2. The victim knew the conduct was a risk of: 2. His occupation; 3. Recognized medical treatment; or 4. A scientific experiment conducted by recognized methods. 5. The defense to prosecution provided by Subsection (a) is not available to a defendant who commits an offense described by Subsection (a) as a condition of the defendant's or the victim's initiation or continued membership in a criminal street gang, as defined by Section [71.01.](http://www.statutes.legis.state.tx.us/GetStatute.aspx?Code=PE&Value=71.01&Date=6/28/2014)   Sec. 22.07. TERRORISTIC THREAT.   1. A person commits an offense if he threatens to commit any offense involving violence to any person or property with intent to: 2. Cause a reaction of any type to his threat by an official or volunteer agency organized to deal with emergencies; 3. Place any person in fear of imminent serious bodily injury; 4. Prevent or interrupt the occupation or use of a building, room, place of assembly, place to which the public has access, place of employment or occupation, aircraft, automobile, or other form of conveyance, or other public place; 5. Cause impairment or interruption of public communications, public transportation, public water, gas, or power supply or other public service; 6. Place the public or a substantial group of the public in fear of serious bodily injury; or 7. Influence the conduct or activities of a branch or agency of the federal government, the state, or a political subdivision of the state. 8. An offense under Subsection (a)(1) is a Class B misdemeanor. 9. An offense under Subsection (a)(2) is a Class B misdemeanor, except that the offense is a Class A misdemeanor if the offense:    1. Is committed against a member of the person's family or household or otherwise constitutes family violence; or    2. Is committed against a public servant. 10. An offense under Subsection (a)(3) is a Class A misdemeanor, unless the actor causes pecuniary loss of $1,500 or more to the owner of the building, room, place, or conveyance, in which event the offense is a state jail felony. 11. An offense under Subsection (a)(4), (a)(5), or (a)(6) is a felony of the third degree. 12. In this section:     1. "Family" has the meaning assigned by Section [71.003,](http://www.statutes.legis.state.tx.us/GetStatute.aspx?Code=FA&Value=71.003&Date=6/28/2014) Family Code.     2. "Family violence" has the meaning assigned by Section [71.004,](http://www.statutes.legis.state.tx.us/GetStatute.aspx?Code=FA&Value=71.004&Date=6/28/2014) Family Code.     3. "Household" has the meaning assigned by Section [71.005,](http://www.statutes.legis.state.tx.us/GetStatute.aspx?Code=FA&Value=71.005&Date=6/28/2014) Family Code. 13. For purposes of Subsection (d), the amount of pecuniary loss is   the amount of economic loss suffered by the owner of the building, room, place, or conveyance as a result of the prevention or interruption of the occupation or use of the building, room, place, or conveyance.  Sec. 22.08. AIDING SUICIDE.   1. A person commits an offense if, with intent to promote or assist the commission of suicide by another, he aids or attempts to aid the other to commit or attempt to commit suicide. 2. An offense under this section is a Class C misdemeanor unless the actor's conduct causes suicide or attempted suicide that results in serious bodily injury, in which event the offense is a state jail felony.   [Sec. 22.09. TAMPERING WITH CONSUMER PRODUCT.](http://www.statutes.legis.state.tx.us/Docs/PE/htm/PE.22.htm#22.09)   1. In this section: 2. "Consumer Product" means any product offered for sale to or for consumption by the public and includes "food" and "drugs" as those terms are defined in Section [431.002,](http://www.statutes.legis.state.tx.us/GetStatute.aspx?Code=HS&Value=431.002&Date=6/28/2014) Health and Safety Code. 3. "Tamper" means to alter or add a foreign substance to a consumer product to make it probable that the consumer product will cause serious bodily injury. 4. A person commits an offense if he knowingly or intentionally tampers with a consumer product knowing that the consumer product will be offered for sale to the public or as a gift to another. 5. A person commits an offense if he knowingly or intentionally threatens to tamper with a consumer product with the intent to cause fear, to affect the sale of the consumer product, or to cause bodily injury to any person. 6. An offense under Subsection (b) is a felony of he second degree unless a person suffers serious bodily injury, in which event it is a felony of the first degree. An offense under   Sec. 22.10. LEAVING A CHILD IN A VEHICLE.   1. A person commits an offense if he intentionally or knowingly leaves a child in a motor vehicle for longer than five minutes, knowing that the child is: 2. Younger than seven years of age; and 3. Not attended by an individual in the vehicle who is 14 years of age or older. 4. An offense under this section is a Class C misdemeanor.   [Sec. 22.11. HARASSMENT BY PERSONS IN CERTAIN](http://www.statutes.legis.state.tx.us/Docs/PE/htm/PE.22.htm#22.11) [CORRECTIONAL FACILITIES; HARASSMENT OF PUBLIC SERVANT.](http://www.statutes.legis.state.tx.us/Docs/PE/htm/PE.22.htm#22.11)   1. A person commits an offense if, with the intent to assault, harass, or alarm, the person: 2. While imprisoned or confined in a correctional or detention facility, causes another person to contact the blood, seminal fluid, vaginal fluid, saliva, urine, or feces of the actor, any other person, or an animal; or 3. Causes another person the actor knows to be a public servant to contact the blood, seminal fluid, vaginal fluid, saliva, urine, or feces of the actor, any other person, or an animal while the public servant is lawfully discharging an official duty or in retaliation or on account of an exercise of the public servant's official power or performance of an official duty. 4. An offense under this section is a felony of the third degree. 5. If conduct constituting an offense under this section also constitutes an offense under another section of this code, the actor may be prosecuted under either section. 6. In this section, "correctional or detention facility" means: 7. A secure correctional facility; or 8. A "secure correctional facility" or a "secure detention facility" as defined by Section [51.02,](http://www.statutes.legis.state.tx.us/GetStatute.aspx?Code=FA&Value=51.02&Date=6/28/2014) Family Code, operated by or under contract with a juvenile board or the Texas Youth Commission or any other facility operated by or under contract with that commission. 9. For purposes of Subsection (a)(2), the actor is presumed to have known the person was a public servant if the person was wearing a distinctive uniform or badge indicating the person's employment as a public servant.   [Sec. 22.12. APPLICABILITY TO CERTAIN CONDUCT.](http://www.statutes.legis.state.tx.us/Docs/PE/htm/PE.22.htm#22.12)   1. This chapter does not apply to conduct charged as having been committed against an individual who is an unborn child if the conduct is: 2. Committed by the mother of the unborn child; 3. A lawful medical procedure performed by a physician or other health care provider with the requisite consent; 4. A lawful medical procedure performed by a physician or other licensed health care provider with the requisite consent as part of an assisted reproduction as defined by Section [160.102,](http://www.statutes.legis.state.tx.us/GetStatute.aspx?Code=FA&Value=160.102&Date=6/28/2014) Family Code; or 5. The dispensation of a drug in accordance with law or administration of a drug prescribed in accordance with law.   *Individualized Education Plan (IEP) for all special education students must be followed. Examples of accommodations may include, but are not limited to:*  None |
| **Guided Practice \*** | Crime Reenactment Activity. Divide the class into groups (Note: The number of students per group is dependent upon instructor discretion). Assign each group one type of assaultive offense.  Have the groups create and then perform skits depicting their offenses without directly stating which type they were assigned. Have the students who are observing the skits determine the types of offenses and the elements of the crimes reenacted. (Note: Emphasize beforehand that no actual crimes may be committed.) Have the students assess their own group members and each group as a whole using the Group Evaluation Rubric and Peer Evaluation Rubric.  *Individualized Education Plan (IEP) for all special education students must be followed. Examples of accommodations may include, but are not limited to:*  None |
| **Independent Practice/Laboratory Experience/Differentiated Activities \*** | Have students complete the open-note quiz.  *Individualized Education Plan (IEP) for all special education students must be followed. Examples of accommodations may include, but are not limited to:*  None |
| **Lesson Closure** |  |
| **Summative/End of Lesson Assessment \*** | * Assaultive Offenses Exam and Key * Assaultive Offenses Quiz (Open Note) and Key * Discussion Rubric * Group Evaluation Rubric * Individual Work Rubric * Peer Evaluation Rubric * Role Play Rubric   *Individualized Education Plan (IEP) for all special education students must be followed. Examples of accommodations may include, but are not limited to:*  **Accommodations for Learning Differences:**  For reinforcement, students will find articles in newspapers or online about crimes involving assault, aggravated assault, abandoning or endangering a child, deadly conduct, or terroristic threat and determine which charge should be used and why. Use the Individual Work Rubric for assessment. |
| **References/Resources/**  **Teacher Preparation** | Texas Penal Code: <http://www.statutes.legis.state.tx.us/> |
| **Additional Required Components** | |
| **English Language Proficiency Standards (ELPS) Strategies** |  |
| **College and Career Readiness Connection[[1]](#footnote-1)** |  |
| **Recommended Strategies** | |
| **Reading Strategies** |  |
| **Quotes** |  |
| **Multimedia/Visual Strategy**  **Presentation Slides + One Additional Technology Connection** |  |
| **Graphic Organizers/Handout** |  |
| **Writing Strategies**  **Journal Entries + 1 Additional Writing Strategy** |  |
| **Communication**  **90 Second Speech Topics** |  |
| **Other Essential Lesson Components** | |
| **Enrichment Activity**  (e.g., homework assignment) | For reinforcement, students will find articles in newspapers or online about crimes involving assault, aggravated assault, abandoning or endangering a child, deadly conduct, or terroristic threat and determine which charge should be used and why. Use the Individual Work Rubric for assessment.  For enrichment, students will put themselves in the place of a battered wife trying to get out of an abusive situation with her two young children. She is estranged from her family, does not have a job, and has no friends. Students will write a one-page paper explaining why she is in this situation and what she can do to get out of it safely. Use the Individual Work Rubric for assessment. |
| **Family/Community Connection** |  |
| **CTSO connection(s)** | SkillsUSA |
| **Service Learning Projects** |  |
| **Lesson Notes** |  |

1. Visit the Texas College and Career Readiness Standards at <http://www.thecb.state.tx.us/collegereadiness/CRS.pdf>, Texas Higher Education Coordinating Board (THECB), 2009. [↑](#footnote-ref-1)