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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** | Other Offenses |
| **TEKS Student Expectations** | **130.336. (c) Knowledge and Skills**(8) The student analyzes procedural and substantive criminal law. The student is expected to:(A) define crime categories and respective punishments according to the Texas Penal Code;(B) 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; and(D) analyze types of criminal defenses. |
| **Basic Direct Teach Lesson**(Includes Special Education Modifications/Accommodations and one English Language Proficiency Standards (ELPS) Strategy) |
| **Instructional Objectives** | **Objectives**The student will be able to:* Distinguish the different types of crimes and their punishments.
* Analyze the different positions people have on gun control.
* Assess the inner workings of a gang.
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| **Rationale** | Police officers must respond to various calls. They must be able to distinguish the particular crime described in the call in order to file the appropriate charges. |
| **Duration of Lesson** | 4 – 6 hours |
| **Word Wall/Key Vocabulary***(ELPS c1a,c,f; c2b; c3a,b,d; c4c; c5b) PDAS II(5)* |  |
| **Materials/Specialized Equipment Needed** | **Materials Needed:*** Legal pads
* Computers
* Other Offenses Exam and Key
* Other Offenses Quiz (Open Note) and Key
* Debate Rubric
* Individual Work Rubric
* Presentation Rubric
* Research Rubric
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| **Anticipatory Set**(May include pre-assessment for prior knowledge) | Divide the class into groups. Have each group research one or two of the crimes within this lesson using the penal code as a resource. Have the groups present their information to the class. Have the students who are observing the presentations create bubble maps for the crimes being presented. (Note: To make a bubble map the students will write the name of the crime on their papers and draw a circle around it. This is the first “bubble.” Then they will write down two or three facts that are presented and draw circles around each fact. Next, they will symbolically represent the relationships between the facts and the crime by connecting the bubbles with lines. Use the Individual Work Rubric and the Presentation Rubric for assessment. |
| **Direct Instruction \*** | **Key Points**Texas Penal Code. Title 7. Offenses Against Property. Chapter 32. FRAUD Sec. 32.51. FRAUDULENT USE OR POSSESSION OF IDENTIFYING INFORMATION.1. In this section:
	1. "Identifying information" means information that alone or in conjunction with other information identifies a person, including a person's:
		1. name and date of birth;
		2. unique biometric data, including the person's fingerprint, voice print, or retina or iris image;
		3. unique electronic identification number, address, routing code, or financial institution account number;
		4. telecommunication identifying information or access device; and
		5. social security number or other government-issued identification number.
	2. "Telecommunication access device" means a card, plate, code, account number, personal identification number, electronic serial number, mobile identification number, or other telecommunications service, equipment, or instrument identifier or means of account access that alone or in conjunction with another telecommunication access device may be used to:
		1. obtain money, goods, services, or other thing of value; or
		2. initiate a transfer of funds other than a transfer originated solely by paper instrument.
2. A person commits an offense if the person, with the intent to harm or defraud another, obtains, possesses, transfers, or uses an item of:
	1. identifying information of another person without the other person's consent;
	2. information concerning a deceased natural person, including a stillborn infant or fetus, that would be identifying information of that person were that person alive, if the item of information is obtained, possessed, transferred, or used without legal authorization; or
	3. identifying information of a child younger than 18 years of age.

(b-1) For the purposes of Subsection (b), the actor is presumed to have the intent to harm or defraud another if the actor possesses:1. the identifying information of three or more other persons;
2. information described by Subsection (b)(2) concerning three or more deceased persons; or
3. information described by Subdivision (1) or (2) concerning three or more persons or deceased persons.

(b-2) The presumption established under Subsection (b-1) does not apply to a business or other commercial entity or a government agency that is engaged in a business activity or governmental function that does not violate a penal law of this state.1. An offense under this section is:
	1. a state jail felony if the number of items obtained, possessed, transferred, or used is less than five;
	2. a felony of the third degree if the number of items obtained, possessed, transferred, or used is five or more but less than 10;
	3. a felony of the second degree if the number of items obtained, possessed, transferred, or used is 10 or more but less than 50; or
	4. a felony of the first degree if the number of items obtained, possessed, transferred, or used is 50 or more.

(c-1) An offense described for purposes of punishment by Subsections (c)(1)-(3) is increased to the next higher category of offense if it shown on the trail of the offense that:* 1. the offense was committed against an elderly individual as defined by Section 22.04; or
	2. the actor fraudulently used identifying information with the intent to facilitate an offense under Article 62.102, Code of Criminal Procedure.
1. If a court orders a defendant convicted of an offense under this section to make restitution to the victim of the offense, the court may order the defendant to reimburse the victim for lost income or other expenses, other than attorney's fees, incurred as a result of the offense.
2. If conduct that constitutes an offense under this section also constitutes an offense under any other law, the actor may be prosecuted under this section, the other law, or both.

Texas Penal Code. Title 7. Offenses Against Property. Chapter 33. COMPUTER CRIMESSec. 33.02. BREACH OF COMPUTER SECURITY.1. A person commits an offense if the person knowingly accesses a computer, computer network, or computer system without the effective consent of the owner.
2. An offense under Subsection (a) is a Class B misdemeanor, except that the offense is a state jail felony if:
	1. the defendant has been previously convicted two or more times of an offense under this chapter; or
	2. the computer, computer network, or computer system is owned by the government or a critical infrastructure facility.

(b-1) A person commits an offense if with the intent to defraud or harm another or alter, damage, or delete property, the person knowingly accesses a computer, computer network, or computer system without the effective consent of the owner.(b-2) An offense under Subsection (b-1) is:1. a state jail felony if the aggregate amount involved is less than $20,000;
2. a felony of the third degree if the aggregate amount involved is $20,000 or more but less than $100,000;
3. a felony of the second degree if:
	1. the aggregate amount involved is $100,000 or more but less than $200,000;
	2. the aggregate amount involved is any amount less than $200,000 and the computer, computer network, or computer system is owned by the government or a critical infrastructure facility; or
	3. the actor obtains the identifying information of another by accessing only one computer, computer network, or computer system; or
	4. a felony of the first degree if:
		1. the aggregate amount involved is $200,000 or more; or
		2. the actor obtains the identifying information of another by accessing more than one computer, computer network, or computer system.
4. When benefits are obtained, a victim is defrauded or harmed, or property is altered, damaged, or deleted in violation of this section, whether or not in a single incident, the conduct may be considered as one offense and the value of the benefits obtained and of the losses incurred because of the fraud, harm, or alteration, damage, or deletion of property may be aggregated in determining the grade of the offense.
5. A person who is subject to prosecution under this section and any other section of this code may be prosecuted under either or both sections.
6. It is a defense to prosecution under this section that the person acted with the intent to facilitate a lawful seizure or search of, or lawful access to, a computer, computer network, or computer system for a legitimate law enforcement purpose.

Texas Penal Code. Title 8. Offenses Against Public Administration. Chapter37. PERJURY AND OTHER FALSIFICATIONSec. 37.11. IMPERSONATING PUBLIC SERVANT.* 1. A person commits an offense if he:
		1. impersonates a public servant with intent to induce another to submit to his pretended official authority or to rely on his pretended official acts; or
		2. knowingly purports to exercise any function of a public servant or of a public office, including that of a judge and court, and the position or office through which he purports to exercise a function of a public servant or public office has no lawful existence under the constitution or laws of this state or of the United States.
	2. An offense under this section is a felony of the third degree.

Texas Penal Code. Title 8. Offenses Against Public Administration. Chapter1. OBSTRUCTING GOVERNMENTAL OPERATION.

Sec. 38.04. EVADING ARREST OR DETENTION.1. A person commits an offense if he intentionally flees from a person he knows is a peace officer or federal special investigator attempting lawfully to arrest or detain him
2. An offense under this section is a Class A misdemeanor, except that the offense is:
	1. a state jail felony if:
		1. the actor has been previously convicted under this section; or
		2. the actor uses a vehicle or watercraft while the actor is in flight and the actor has not been previously convicted under this section;
	2. a felony of the third degree if:
		1. the actor uses a vehicle or watercraft while the actor is in flight and the actor has been previously convicted under this section; or
		2. another suffers serious bodily injury as a direct result of an attempt by the officer or investigator from whom the actor is fleeing to apprehend the actor while the actor is in flight; or
	3. a felony of the second degree if another suffers death as a direct result of an attempt by the officer or investigator from whom the actor is fleeing to apprehend the actor while the actor is in flight.
3. An offense under this section is a Class A misdemeanor, except that the offense is:
	1. a state jail felony if the actor has been previously convicted under this section;
	2. a felony of the third degree if:
		1. the actor uses a vehicle while the actor is in flight;
		2. another suffers serious bodily injury as a direct result of an attempt by the officer from whom the actor is fleeing to apprehend the actor while the actor is in flight; or
		3. the actor uses a tire deflation device against the officer while the actor is in flight; or
	3. a felony of the second degree if:
		1. another suffers death as a direct result of an attempt by the officer from whom the actor is fleeing to apprehend the actor while the actor is in flight; or
		2. another suffers serious bodily injury as a direct result of the actor's use of a tire deflation device while the actor is in flight.
4. In this section:
	1. "Vehicle" has the meaning assigned by Section 541.201, Transportation Code.
	2. "Tire deflation device" has the meaning assigned by Section 46.01.
	3. "Watercraft" has the meaning assigned by Section 49.01.
5. A person who is subject to prosecution under both this section and another law may be prosecuted under either or both this section and the other law.

Sec. 38.15. INTERFERENCE WITH PUBLIC DUTIES.1. A person commits an offense if the person with criminal negligence interrupts, disrupts, impedes, or otherwise interferes with:
	1. a peace officer while the peace officer is performing a duty or exercising authority imposed or granted by law;
	2. a person who is employed to provide emergency medical services including the transportation of ill or injured persons while the person is performing that duty;
	3. a fire fighter, while the fire fighter is fighting a fire or investigating the cause of a fire;
	4. an animal under the supervision of a peace officer, corrections officer, or jailer, if the person knows the animal is being used for law enforcement, corrections, prison or jail security, or investigative purposes;
	5. the transmission of a communication over a citizen's band radio channel, the purpose of which communication is to inform or inquire about an emergency;
	6. an officer with responsibility for animal control in a county or municipality, while the officer is performing a duty or exercising authority imposed or granted under Chapter 821 or 822, Health and Safety Code; or
	7. a person who:
		1. has responsibility for assessing, enacting, or enforcing public health, environmental, radiation, or safety measures for the state or a county or municipality;
		2. is investigating a particular site as part of the person's responsibilities under Paragraph (A);
		3. is acting in accordance with policies and procedures related to the safety and security of the site described by Paragraph (B); and
		4. is performing a duty or exercising authority imposed or granted under the Agriculture Code, Health and Safety Code, Occupations Code, or Water Code.
2. An offense under this section is a Class B misdemeanor.
3. It is a defense to prosecution under Subsection (a)(1) that the conduct engaged in by the defendant was intended to warn a person operating a motor vehicle of the presence of a peace officer who was enforcing Subtitle C, Title 7, Transportation Code.
4. It is a defense to prosecution under this section that the interruption, disruption, impediment, or interference alleged consisted of speech only.
5. In this section, "emergency" means a condition or circumstance in which an individual is or is reasonably believed by the person transmitting the communication to be in imminent danger of serious bodily injury or in which property is or is reasonably believed by the person transmitting the communication to be in imminent danger of damage or destruction.

Texas Penal Code. Title 10. Offenses Against Public Health, Safety, And Morals. Chapter 46. WEAPONSSec. 46.02. UNLAWFUL CARRYING WEAPONS.1. A person commits an offense if the person intentionally, knowingly, or recklessly carries on or about his or her person a handgun, illegal knife, or club if the person is not:
	1. on the person's own premises or premises under the person's control; or
	2. inside of or directly en route to a motor vehicle or watercraft that is owned by the person or under the person's control.

(a-1) A person commits an offense if the person intentionally, knowingly, or recklessly carries on or about his or her person a handgun in a motor vehicle or watercraft that is owned by the person or under the person's control at any time in which:1. the handgun is in plain view; or
2. the person is:
	1. engaged in criminal activity, other than a Class C misdemeanor that is a violation of a law or ordinance regulating traffic or boating;
	2. prohibited by law from possessing a firearm; or
	3. a member of a criminal street gang, as defined by

Section 71.01.(a-2) For purposes of this section, "premises" includes real property and a recreational vehicle that is being used as living quarters, regardless of whether that use is temporary or permanent. In this subsection, "recreational vehicle" means a motor vehicle primarily designed as temporary living quarters or a vehicle that contains temporary living quarters and is designed to be towed by a motor vehicle. The term includes a travel trailer, camping trailer, truck camper, motor home, and horse trailer with living quarters.(a-3) For purposes of this section, "watercraft" means any boat, motorboat, vessel, or personal watercraft, other than a seaplane on water, used or capable of being used for transportation on water.1. Except as provided by Subsection (c), an offense under this section is a Class A misdemeanor.
2. An offense under this section is a felony of the third degree if the offense is committed on any premises licensed or issued a permit by this state for the sale of alcoholic beverages.

Sec. 46.05. PROHIBITED WEAPONS.1. A person commits an offense if the person intentionally or knowingly possesses, manufactures, transports, repairs, or sells:
	1. an explosive weapon;
	2. a machine gun;
	3. a short-barrel firearm;
	4. a firearm silencer;
	5. knuckles;
	6. armor-piercing ammunition;
	7. a chemical dispensing device;
	8. a zip gun; or
	9. a tire deflation device.
2. It is a defense to prosecution under this section that the actor's conduct was incidental to the performance of official duty by the armed forces or national guard, a governmental law enforcement agency, or a correctional facility.
3. It is a defense to prosecution under this section that the actor's possession was pursuant to registration pursuant to the National Firearms Act, as amended.
4. It is an affirmative defense to prosecution under this section that the actor's conduct:
	1. was incidental to dealing with a short-barrel firearm or tire deflation device solely as an antique or curio;
	2. was incidental to dealing with armor-piercing ammunition solely for the purpose of making the ammunition available to an organization, agency, or institution listed in Subsection (b); or
	3. was incidental to dealing with a tire deflation device solely for the purpose of making the device available to an organization, agency, or institution listed in Subsection (b).
5. An offense under Subsection (a)(1), (2), (3), (4), (6), (7), or (8) is a felony of the third degree. An offense under Subsection (a)(9) is a state jail felony. An offense under Subsection (a)(5) is a Class A misdemeanor.
6. It is a defense to prosecution under this section for the possession of a chemical dispensing device that the actor is a security officer and has received training on the use of the chemical dispensing device by a training program that is:
	1. provided by the Texas Commission on Law Enforcement; or
	2. approved for the purposes described by this subsection by the Texas Private Security Board of the Department of Public Safety.
7. In Subsection (f), "security officer" means a commissioned security officer as defined by Section 1702.002, Occupations Code, or a noncommissioned security officer registered under Section 1702.221, Occupations Code.

Texas Penal Code. Title 11. Organized Crime. Chapter 71. ORGANIZED CRIME.Sec. 71.02. ENGAGING IN ORGANIZED CRIMINAL ACTIVITY.1. A person commits an offense if, with the intent to establish, maintain, or participate in a combination or in the profits of a combination or as a member of a criminal street gang, the person commits or conspires to commit one or more of the following:
	1. murder, capital murder, arson, aggravated robbery, robbery, burglary, theft, aggravated kidnapping, kidnapping, aggravated assault, aggravated sexual assault, sexual assault, continuous sexual abuse of young child or children, solicitation of a minor, forgery, deadly conduct, assault punishable as a Class A misdemeanor, burglary of a motor vehicle, or unauthorized use of a motor vehicle;
	2. any gambling offense punishable as a Class A misdemeanor;
	3. promotion of prostitution, aggravated promotion of prostitution, or compelling prostitution;
	4. unlawful manufacture, transportation, repair, or sale of firearms or prohibited weapons;
	5. unlawful manufacture, delivery, dispensation, or distribution of a controlled substance or dangerous drug, or unlawful possession of a controlled substance or dangerous drug through forgery, fraud, misrepresentation, or deception;

(5-a) causing the unlawful delivery, dispensation, or distribution of a controlled substance or dangerous drug in violation of Subtitle B, Title 3, Occupations Code;1. any unlawful wholesale promotion or possession of any obscene material or obscene device with the intent to wholesale promote the same;
2. any offense under Subchapter B, Chapter 43, depicting or involving conduct by or directed toward a child younger than 18 years of age;
3. any felony offense under Chapter 32;
4. any offense under Chapter 36;
5. any offense under Chapter 34, 35, or 35A;
6. any offense under Section 37.11(a);
7. any offense under Chapter 20A;
8. any offense under Section 37.10;
9. any offense under Section 38.06, 38.07, 38.09, or 38.11;
10. any offense under Section 42.10;
11. any offense under Section 46.06(a)(1) or 46.14;
12. any offense under Section 20.05; or
13. any offense classified as a felony under the Tax Code.
14. 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, and if the most serious offense is a Class A misdemeanor, the offense is a state jail felony, except that the offense is a felony of the first degree punishable by imprisonment in the Texas Department of Criminal Justice for:
	* 1. life without parole, if the most serious offense is an aggravated sexual assault and if at the time of that offense the defendant is 18 years of age or older and:
			1. the victim of the offense is younger than six years of age;
			2. the victim of the offense is younger than 14 years of age and the actor commits the offense in a manner described by Section 22.021(a)(2)(A); or
			3. the victim of the offense is younger than 17 years of age and suffered serious bodily injury as a result of the offense; or
		2. life or for any term of not more than 99 years or less than 15 years if the most serious offense is an offense punishable as a felony of the first degree, other than an offense described by Subdivision (1).
15. 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.
16. At the punishment stage of a trial, the defendant may raise the issue as to whether in voluntary and complete renunciation of the offense he withdrew from the combination before commission of an offense listed in Subsection (a) and made substantial effort to prevent the commission of the offense. If the defendant proves the issue in the affirmative by a preponderance of the evidence the offense is the same category of offense as the most serious offense listed in Subsection (a) that is committed, unless the defendant is convicted of conspiring to commit the offense, in which event the offense is one category lower than the most serious offense that the defendant conspired to commit.

*Individualized Education Plan (IEP) for all special education students must be followed. Examples of accommodations may include, but are not limited to:*For reinforcement, students will list terms and explain how each term relates to the arrest process. Use the Individual Work Rubric for assessment. |
| **Guided Practice \*** | Gun Control Debate. Divide the class into two equal groups. Have one group discuss the reasons why owning a gun is and should continue to be legal. Have the other group discuss the reasons why owning a gun should be illegal. Each group should be prepared to express and defend its opinions. When the students are ready, have them participate in an informal debate. Use the Debate Rubric for assessment. |
| **Independent Practice/Laboratory Experience/Differentiated Activities \*** | For reinforcement, the students will find articles in the newspaper or online about these crimes and determine which charge should be used and why. Use the Research Rubric for assessment. |
| **Lesson Closure** |  |
| **Summative / End of Lesson Assessment \*** | * Other Offenses Exam and Key
* Other Offenses Quiz (Open Note) and Key
* Debate Rubric
* Individual Work Rubric
* Presentation Rubric
* Research Rubric
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| **References/Resources/****Teacher Preparation** | **Resources:**Texas Penal Code: <http://www.statutes.legis.state.tx.us/>Do an Internet search for the following:* blutube policeone
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| **Additional Required Components** |
| **English Language Proficiency Standards (ELPS) Strategies** |  |
| **College and Career Readiness Connection[[1]](#footnote-1)** | IV. ListeningA. Apply listening skills as an individual and as a member of a group in a variety of settings.1. Analyze and evaluate the effectiveness of a public presentation.
2. Interpret a speaker’s message; identify the position taken and the evidence in support of that position.
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| **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) |  |
| **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)