

## **PART FIVE: MISDEMEANORS PUNISHABLE BY FINE ONLY**

### **A SELECTION OF MISDEMEANORS PUNISHABLE BY FINE ONLY**

The following statutes provide the elements of selected misdemeanor offenses punishable by fine only:

#### **PENAL CODE**

##### **§ 22.01. Assault**

- (a) A person commits an offense if the person:
  - (2) intentionally or knowingly threatens another with imminent bodily injury, including the person's spouse; or
  - (3) 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.
- (c) An offense under Subsection (a)(2) or (3) is a Class C misdemeanor...

##### **§ 28.03. Criminal Mischief**

- (a) A person commits an offense if, without the effective consent of the owner:
  - (1) he intentionally or knowingly damages or destroys the tangible property of the owner;
  - (2) he intentionally or knowingly tampers with the tangible property of the owner and causes pecuniary loss or substantial inconvenience to the owner or a third person; or
  - (3) he intentionally or knowingly makes markings, including inscriptions, slogans, drawings, or paintings, on the tangible property of the owner.
- (b) ... [A]n offense under this section is:
  - (1) a Class C misdemeanor if:
    - (A) the amount of pecuniary loss is less than \$50; or
    - (B) ... it causes substantial inconvenience to others;

##### **§ 28.04. Reckless Damage or Destruction**

- (a) A person commits an offense if, without the effective consent of the owner, he recklessly damages or destroys property of the owner.
- (b) An offense under this section is a Class C misdemeanor.

##### **§ 31.03. Theft**

- (a) A person commits an offense if he unlawfully appropriates property with intent to deprive the owner of property.
- (b) Appropriation of property is unlawful if:
  - (1) it is without the owner's effective consent;
  - (2) the property is stolen and the actor appropriates the property knowing it was stolen by another; or
  - (3) property in the custody of any law enforcement agency was explicitly represented by any law enforcement agent to the actor as being stolen and the actor appropriates the property believing it was stolen by another.
- (e) ... [A]n offense under this section is:
  - (1) a Class C misdemeanor if the value of the property stolen is less than:
    - (A) \$50; or
    - (B) \$20 and the defendant obtained the property by issuing or passing a check or similar sight order in a manner described by Section 31.06...

##### **§ 37.10. Tampering With Governmental Record**

- (a) A person commits an offense if he:
  - (1) knowingly makes a false entry in, or false alteration of, a governmental record;
  - (2) makes, presents, or uses any record, document, or thing with knowledge of its falsity and with intent that it be taken as a genuine governmental record;

- (3) intentionally destroys, conceals, removes, or otherwise impairs the verity, legibility, or availability of a governmental record;
  - (4) possesses, sells, or offers to sell a governmental record or a blank governmental record form with intent that it be used unlawfully;
  - (5) makes, presents, or uses a governmental record with knowledge of its falsity; or
  - (6) possesses, sells, or offers to sell a governmental record or a blank governmental record form with knowledge that it was obtained unlawfully. ...
- (c)(1) ... An offense under this section is a Class C misdemeanor if it is shown on the trial of the offense that the governmental record is a governmental record that is required for enrollment of a student in a school district and was used by the actor to establish the residency of the student.

#### **§ 38.02. Failure to Identify**

- (a) A person commits an offense if he intentionally refuses to give his name, residence address, or date of birth to a peace officer who has lawfully arrested the person and requested the information. ...
- (c) ... [A]n offense under this section is a Class C misdemeanor.

#### **§ 42.01. Disorderly Conduct**

- (a) A person commits an offense if he intentionally or knowingly:
  - (1) uses abusive, indecent, profane, or vulgar language in a public place, and the language by its very utterance tends to incite an immediate breach of the peace;
  - (2) makes an offensive gesture or display in a public place, and the gesture or display tends to incite an immediate breach of the peace;
  - (3) creates, by chemical means, a noxious and unreasonable odor in a public place;
  - (4) abuses or threatens a person in a public place in an obviously offensive manner;
  - (5) makes unreasonable noise in a public place other than a sport shooting range, as defined by Section 250.001, Local Government Code, or in or near a private residence that he has no right to occupy;
  - (6) fights with another in a public place;
  - ...
  - (9) discharges a firearm on or across a public road;
  - (10) exposes his anus or genitals in a public place and is reckless about whether another may be present who will be offended or alarmed by his act; or
  - (11) for a lewd or unlawful purpose:
    - (A) enters on the property of another and looks into a dwelling on the property through any window or other opening in the dwelling;
    - (B) while on the premises of a hotel or comparable establishment, looks into a guest room not the person's own through a window or other opening in the room; or
    - (C) while on the premises of a public place, looks into an area such as a restroom or shower stall or changing or dressing room that is designed to provide privacy to a person using the area.
- (a-1) For purposes of Subsection (a), the term "public place" includes a public school campus or the school grounds on which a public school is located.
- (b) It is a defense to prosecution under Subsection (a)(4) that the actor had significant provocation for his abusive or threatening conduct.
- (c) For purposes of this section:
  - (1) an act is deemed to occur in a public place or near a private residence if it produces its offensive or proscribed consequences in the public place or near a private residence; and
  - (2) a noise is presumed to be unreasonable if the noise exceeds a decibel level of 85 after the person making the noise receives notice from a magistrate or peace officer that the noise is a public nuisance.
- (d) An offense under this section is a Class C misdemeanor...
- (f) Subsections (a)(1), (2), (3), (5), and (6) do not apply to a person who, at the time the person engaged in conduct prohibited under the applicable subdivision, was a student younger than 12 years of age, and the prohibited conduct occurred at a public school campus during regular school hours.**

#### **§ 42.13. Use of Laser Pointers**

- (a) A person commits an offense if the person knowingly directs a light from a laser pointer at a uniformed safety officer, including a peace officer, security guard, firefighter, emergency medical service worker, or other uniformed municipal, state, or federal officer.
- (b) In this section, "laser pointer" means a device that emits a visible light amplified by the stimulated emission of radiation.
- (c) An offense under this section is a Class C misdemeanor.

#### **§42.14. Illumination of Aircraft by Intense Light**

- (a) A person commits an offense if:
  - (1) the person intentionally directs a light from a laser pointer or other light source at an aircraft; and
  - (2) the light has an intensity sufficient to impair the operator's ability to control the aircraft.
- (c) An offense under this section is a Class C misdemeanor ... .

#### **§42.105. Cockfighting.**

- (a) In this section:
  - (1) "Bridle" means a leather device designed to fit over the head and beak of a cock to prevent the cock from injuring another cock.
  - (2) "Cock" means the male of any type of domestic fowl.
  - (3) "Cockfighting" means any situation in which one cock attacks or fights with another cock.
  - (4) "Gaff" means an artificial steel spur designed to attach to the leg of a cock to replace or supplement the cock's natural spur.
  - (5) "Slasher" means a steel weapon resembling a curved knife blade designed to attach to the foot of a cock.
- (b) A person commits an offense if the person knowingly:
  - ... (6) attends as a spectator an exhibition of cockfighting.
- ... (f) It is an exception to the application of Subsection (b)(6) that the actor is 15 years of age or younger at the time of the offense.**
- (g) ... An offense under Subsection (b)(6) is a Class C misdemeanor, except that the offense is a Class A misdemeanor if it is shown on the trial of the offense that the person has been previously convicted of an offense under that subdivision.

#### **§ 43.261. Electronic Transmission of Certain Visual Material Depicting Minor.**

- (a) In this section:
  - (1) "Dating relationship" has the meaning assigned by Section 71.0021, Family Code.
  - (2) "Minor" means a person younger than 18 years of age.
  - (3) "Produce" with respect to visual material includes any conduct that directly contributes to the creation or manufacture of the material.
  - (4) "Promote" has the meaning assigned by Section 43.25.
  - (5) "Sexual conduct" has the meaning assigned by Section 43.25.
  - (6) "Visual material" has the meaning assigned by Section 43.26.
- (b) A person who is a minor commits an offense if the person intentionally or knowingly:
  - (1) by electronic means promotes to another minor visual material depicting a minor, including the actor, engaging in sexual conduct, if the actor produced the visual material or knows that another minor produced the visual material; or
  - (2) possesses in an electronic format visual material depicting another minor engaging in sexual conduct, if the actor produced the visual material or knows that another minor produced the visual material.

- (c) An offense under Subsection (b)(1) is a Class C misdemeanor, except that the offense is:
    - (1) a Class B misdemeanor if it is shown on the trial of the offense that the actor:
      - (A) promoted the visual material with intent to harass, annoy, alarm, abuse, torment, embarrass, or offend another; or
      - (B) except as provided by Subdivision (2)(A), has previously been convicted one time of any offense under this section; or
    - (2) a Class A misdemeanor if it is shown on the trial of the offense that the actor has previously been:
      - (A) convicted one or more times of an offense punishable under Subdivision (1)(A); or
      - (B) convicted two or more times of any offense under this section.
  - (d) An offense under Subsection (b)(2) is a Class C misdemeanor, except that the offense is:
    - (1) a Class B misdemeanor if it is shown on the trial of the offense that the actor has previously been convicted one time of any offense under this section; or
    - (2) a Class A misdemeanor if it is shown on the trial of the offense that the actor has previously been convicted two or more times of any offense under this section.
  - (e) It is an affirmative defense to prosecution under this section that the visual material:
    - (1) depicted only the actor or another minor:
      - (A) who is not more than two years older or younger than the actor and with whom the actor had a dating relationship at the time of the offense; or
      - (B) who was the spouse of the actor at the time of the offense; and
    - (2) was promoted or received only to or from the actor and the other minor.
  - (f) It is a defense to prosecution under Subsection (b)(2) that the actor:
    - (1) did not produce or solicit the visual material;
    - (2) possessed the visual material only after receiving the material from another minor; and
    - (3) destroyed the visual material within a reasonable amount of time after receiving the material from another minor.
  - (g) If conduct that constitutes an offense under this section also constitutes an offense under another law, the defendant may be prosecuted under this section, the other law, or both.
  - (h) Notwithstanding Section 51.13, Family Code, a finding that a person has engaged in conduct in violation of this section is considered a conviction for the purposes of Subsections (c) and (d).
- (The Justice Court has jurisdiction only over persons 17 years of age who commit this offense.; Tex. Fam. Code §51.08.)**

#### **§ 47.02. Gambling**

- (a) A person commits an offense if he:
  - (1) makes a bet on the partial or final result of a game or contest or on the performance of a participant in a game or contest;
  - (2) makes a bet on the result of any political nomination, appointment, or election or on the degree of success of any nominee, appointee, or candidate; or
  - (3) plays and bets for money or other thing of value at any game played with cards, dice, balls, or any other gambling device.
- (d) An offense under this section is a Class C misdemeanor.

#### **§48.01. Smoking Tobacco**

- (a) A person commits an offense if he is in possession of a burning tobacco product or smokes tobacco in a facility of a public primary or secondary school or an elevator, enclosed theater or movie house, library, museum, hospital, transit system bus, or intrastate bus, as defined by Section 541.201, Transportation Code, plane, or train which is a public place.
- (f) An offense under this section is punishable as a Class C misdemeanor.

#### **§ 49.02. Public Intoxication**

- (a) A person commits an offense if the person appears in a public place while intoxicated to the degree that the person may endanger the person or another.
- (b) It is a defense to prosecution under this section that the alcohol or other substance was administered for therapeutic purposes and as a part of the person's professional medical treatment by a licensed physician.
- (c) Except as provided by Subsection (e), an offense under this section is a Class C misdemeanor.

#### **§ 49.031. Possession of Alcoholic Beverage in Motor Vehicle**

(a) In this section:

- (1) "Open container" means a bottle, can, or other receptacle that contains any amount of alcoholic beverage and that is open, that has been opened, that has a broken seal, or the contents of which are partially removed.
- (2) "Passenger area of a motor vehicle" means the area of a motor vehicle designed for the seating of the operator and passengers of the vehicle. The term does not include:
  - (A) a glove compartment or similar storage container that is locked;
  - (B) the trunk of a vehicle; or
  - (C) the area behind the last upright seat of the vehicle, if the vehicle does not have a trunk.
- (3) "Public highway" means the entire width between and immediately adjacent to the boundary lines of any public road, street, highway, interstate, or other publicly maintained way if any part is open for public use for the purpose of motor vehicle travel. The term includes the right-of-way of a public highway.

(b) A person commits an offense if the person knowingly possesses an open container in a passenger area of a motor vehicle that is located on a public highway, regardless of whether the vehicle is being operated or is stopped or parked. Possession by a person of one or more open containers in a single criminal episode is a single offense.

(c) It is an exception to the application of Subsection (b) that at the time of the offense the defendant was a passenger in:

- (1) the passenger area of a motor vehicle designed, maintained, or used primarily for the transportation of persons for compensation, including a bus, taxicab, or limousine; or
- (2) the living quarters of a motorized house coach or motorized house trailer, including a self-contained camper, a motor home, or a recreational vehicle.

(d) An offense under this section is a Class C misdemeanor.

(e) A peace officer charging a person with an offense under this section, instead of taking the person before a magistrate, shall issue to the person a written citation and notice to appear that contains the time and place the person must appear before a magistrate, the name and address of the person charged, and the offense charged. If the person makes a written promise to appear before the magistrate by signing in duplicate the citation and notice to appear issued by the officer, the officer shall release the person.

### **CODE OF CRIMINAL PROCEDURE**

#### **Art. 45.0215. Plea by Minor and Appearance of Parent**

...(d) A justice or municipal court shall endorse on the summons issued to a parent an order to appear personally at a hearing with the child. The summons must include a warning that the failure of the parent to appear may result in arrest and is a Class C misdemeanor.

#### **Art. 45.054. Failure to Attend School Proceedings**

...(d) An individual commits an offense if the individual is a parent who fails to attend a hearing under this article after receiving notice under Subsection (c) that the individual's attendance is required. An offense under this subsection is a Class C misdemeanor.

#### **Art. 45.057. Offenses Committed by Juveniles**

...(g) A person commits an offense if the person is a parent, managing conservator, or guardian who fails to attend a hearing under this article after receiving an order under Subsection (e). An offense under this subsection is a Class C misdemeanor.

... (h) A child and parent required to appear before the court have an obligation to provide the court in writing with the current address and residence of the child. The obligation does not end when the child reaches age 17. On or before the seventh day after the date the child or parent changes residence, the child or parent shall notify the court of the current address in the manner directed by the court. A violation of this

subsection may result in arrest and is a Class C misdemeanor. The obligation to provide notice terminates on discharge and satisfaction of the judgment or final disposition not requiring a finding of guilt.

**Art. 45.060. Unadjudicated Children Now Adults; Notice on Reaching Age of Maturity; Offense**

(a) Except as provided by Articles 45.058 and 45.059, an individual may not be taken into secured custody for offenses alleged to have occurred before the individual's 17th birthday.

(b) On or after an individual's 17th birthday, if the court has used all available procedures under this chapter to secure the individual's appearance to answer allegations made before the individual's 17th birthday, the court may issue a notice of continuing obligation to appear by personal service or by mail to the last known address and residence of the individual. The notice must order the individual to appear at a designated time, place, and date to answer the allegations detailed in the notice.

(c) Failure to appear as ordered by the notice under Subsection (b) is a Class C misdemeanor independent of Section 38.10, Penal Code, and Section 543.003, Transportation Code.

(d) It is an affirmative defense to prosecution under Subsection (c) that the individual was not informed of the individual's obligation under Articles 45.057(h) and (i) or did not receive notice as required by Subsection (b).

(e) A notice of continuing obligation to appear issued under this article must contain the following statement provided in boldfaced type or capital letters:

"WARNING: COURT RECORDS REVEAL THAT BEFORE YOUR 17TH BIRTHDAY YOU WERE ACCUSED OF A CRIMINAL OFFENSE AND HAVE FAILED TO MAKE AN APPEARANCE OR ENTER A PLEA IN THIS MATTER. AS AN ADULT, YOU ARE NOTIFIED THAT YOU HAVE A CONTINUING OBLIGATION TO APPEAR IN THIS CASE. FAILURE TO APPEAR AS REQUIRED BY THIS NOTICE MAY BE AN ADDITIONAL CRIMINAL OFFENSE AND RESULT IN A WARRANT BEING ISSUED FOR YOUR ARREST."

## **EDUCATION CODE**

**§ 25.094. Failure to Attend School**

(a) An individual commits an offense if the individual:

- (1) is 12 years of age or older and younger than 18 years of age;
- (2) is required to attend school under Section 25.085; and
- (3) fails to attend school on 10 or more days or parts of days within a six-month period in the same school year or on three or more days or parts of days within a four-week period.

(b) An offense under this section may be prosecuted in:

- (1) the constitutional county court of the county in which the individual resides or in which the school is located, if the county has a population of 1.75 million or more;
- (2) a justice court of any precinct in the county in which the individual resides or in which the school is located; or
- (3) in a municipal court in the municipality in which the individual resides or in which the school is located.

(c) On a finding by the justice or municipal court that the individual has committed an offense under Subsection (a) or on a finding by a juvenile court in a county with a population of less than 100,000 that the individual has engaged in conduct that violates Subsection (a), the court may enter an order that includes one or more of the requirements listed in Article 45.054, Code of Criminal Procedure.

(d) If the county, justice or municipal court believes that a child has violated an order issued under Subsection (c), the court may proceed as authorized by Article 45.050, Code of Criminal Procedure.

(d-1) Pursuant to an order of the county, justice or municipal court based on an affidavit showing probable cause to believe that an individual has committed an offense under this section, a peace officer may take the individual into custody. A peace officer taking an individual into custody under this subsection shall:

- (1) promptly notify the individual's parent, guardian, or custodian of the officer's action and the reason for that action; and
  - (2) without unnecessary delay:
    - (A) release the individual to the individual's parent, guardian, or custodian or to another responsible adult, if the person promises to bring the individual to the county, justice or municipal court as requested by the court; or
    - (B) bring the individual to a county, justice or municipal court with venue over the offense.
- (e) An offense under this section is a Class C misdemeanor.
- (f) It is an affirmative defense to prosecution under this section that one or more of the absences required to be proven under Subsection (a) were excused by a school official or by the court or that one or more of the absences were involuntary, but only if there is an insufficient number of unexcused or voluntary absences remaining to constitute an offense under this section. The burden is on the defendant to show by a preponderance of the evidence that the absence has been excused or that the absence was involuntary. A decision by the court to excuse an absence for purposes of this section does not affect the ability of the school district to determine whether to excuse the absence for another purpose.
- (g) It is an affirmative defense to prosecution under this section that one or more of the absences required to be proven under Subsection (a) was involuntary. The burden is on the defendant to show by a preponderance of the evidence that the absence was involuntary.

**§ 25.093. Parent Contributing to Nonattendance**

- (a) If a warning is issued as required by Section 25.095(a), the parent with criminal negligence fails to require the child to attend school as required by law, and the child has absences for the amount of time specified under Section 25.094, the parent commits an offense.
- (b) The attendance officer or other appropriate school official shall file a complaint against the parent:
- (1) in the constitutional county court of the county in which the parent resides or in which the school is located, if the county has a population of two million or more;
  - (2) in a justice court of any precinct in the county in which the parent resides or in which the school is located; or
  - (3) in a municipal court of the municipality in which the parent resides or in which the school is located.
- (c) An offense under Subsection (a) is a Class C misdemeanor. Each day the child remains out of school may constitute a separate offense. Two or more offenses under Subsection (a) may be consolidated and prosecuted in a single action. If the court orders deferred disposition under Article 45.051, Code of Criminal Procedure, the court may require the defendant to provide personal services to a charitable or educational institution as a condition of the deferral.
- (d) A fine collected under this section shall be deposited as follows:
- (1) one-half shall be deposited to the credit of the operating fund of the school district in which the child attends school or of the juvenile justice alternative education program that the child has been ordered to attend, as applicable; and
  - (2) one-half shall be deposited to the credit of:
    - (A) the general fund of the county, if the complaint is filed in the justice court or the constitutional county court; or
    - (B) the general fund of the municipality, if the complaint is filed in municipal court.
- (e) At the trial of any person charged with violating Subsection (a), the attendance records of the child may be presented in court by any authorized employee of the school district.
- (f) The court in which a conviction, deferred adjudication, or deferred disposition for an offense under Subsection (a) occurs may order the defendant to attend a program for parents of students with unexcused absences that provides instruction designed to assist those parents in identifying problems that contribute to the students' unexcused absences and in developing strategies for resolving those problems if a program is available.
- (g) If a parent refuses to obey a court order entered under this section, the court may punish the parent for contempt of court under Section 21.002, Government Code.
- (h) It is an affirmative defense to prosecution for an offense under Subsection (a) that one or more of the absences required to be proven under Subsection (a) was excused by a school official or should be excused

by the court. The burden is on the defendant to show by a preponderance of the evidence that the absence has been or should be excused. A decision by the court to excuse an absence for purposes of this section does not affect the ability of the school district to determine whether to excuse the absence for another purpose.

(i) In this section, "parent" includes a person standing in parental relation.

#### **§ 37.102. Rules; Penalty**

(a) The board of trustees of a school district may adopt rules for the safety and welfare of students, employees, and property and other rules it considers necessary to carry out this subchapter and the governance of the district, including rules providing for the operation and parking of vehicles on school property. The board may adopt and charge a reasonable fee for parking and for providing traffic control.

(b) A law or ordinance regulating traffic on a public highway or street applies to the operation of a vehicle on school property, except as modified by this subchapter.

(c) A person who violates any rule adopted under this subchapter providing for the operation and parking of vehicles on school property commits an offense. An offense under this section is a Class C misdemeanor.

#### **§ 37.107. Trespass on School Grounds**

An unauthorized person who trespasses on the grounds of any school district of this state commits an offense. An offense under this section is a Class C misdemeanor.

#### **§ 37.121. Fraternities, Sororities, Secret Societies, and Gangs**

(a) A person commits an offense if the person:

(1) is a member of, pledges to become a member of, joins, or solicits another person to join or pledge to become a member of a public school fraternity, sorority, secret society, or gang; or

(2) is not enrolled in a public school and solicits another person to attend a meeting of a public school fraternity, sorority, secret society, or gang or a meeting at which membership in one of those groups is encouraged.

(b) A school district board of trustees or an educator shall recommend placing in a disciplinary alternative education program any student under the person's control who violates Subsection (a).

(c) An offense under this section is a Class C misdemeanor.

(d) In this section, "public school fraternity, sorority, secret society, or gang" means an organization composed wholly or in part of students of public primary or secondary schools that seeks to perpetuate itself by taking in additional members from the students enrolled in school on the basis of the decision of its membership rather than on the free choice of a student in the school who is qualified by the rules of the school to fill the special aims of the organization. The term does not include an agency for public welfare, including Boy Scouts, Hi-Y, Girl Reserves, DeMolay, Rainbow Girls, Pan-American Clubs, scholarship societies, or other similar educational organizations sponsored by state or national education authorities.

#### **§ 37.122. Possession of Intoxicants on Public School Grounds**

(a) A person commits an offense if the person possesses an intoxicating beverage for consumption, sale, or distribution while:

(1) on the grounds or in a building of a public school; or

(2) entering or inside any enclosure, field, or stadium where an athletic event sponsored or participated in by a public school of this state is being held.

(b) An officer of this state who sees a person violating this section shall immediately seize the intoxicating beverage and, within a reasonable time, deliver it to the county or district attorney to be held as evidence until the trial of the accused possessor.

(c) An offense under this section is a Class C misdemeanor.

#### **§ 37.124. Disruption of Classes**

(a) A person commits an offense if the person, on school property or on public property within 500 feet of school property, alone or in concert with others, intentionally disrupts the conduct of classes or other school activities.

(b) An offense under this section is a Class C misdemeanor.

(c) In this section:

(1) "Disrupting the conduct of classes or other school activities" includes:



(A) emitting noise of an intensity that prevents or hinders classroom instruction;  
 (B) enticing or attempting to entice a student away from a class or other school activity that the student is required to attend;  
 (C) preventing or attempting to prevent a student from attending a class or other school activity that the student is required to attend; and  
 (D) entering a classroom without the consent of either the principal or the teacher and, through either acts of misconduct or the use of loud or profane language, disrupting class activities.  
 (2) "Public property" includes a street, highway, alley, public park, or sidewalk.  
 (3) "School property" includes a public school campus or school grounds on which a public school is located and any grounds or buildings used by a school for an assembly or other school-sponsored activity.  
 (d) It is an exception to the application of Subsection (a) that, at the time the person engaged in conduct prohibited under that subsection, the person was **younger than 12 years of age**.  
**SB 393, Senate concurred in House amendments on May 23, 2013.**

**§ 37.124. Disruption of Classes**

(a) A person **other than a primary or secondary grade student enrolled in the school** commits an offense if the person, on school property or on public property within 500 feet of school property, alone or in concert with others, intentionally disrupts the conduct of classes or other school activities.  
 (b) An offense under this section is a Class C misdemeanor.  
 (c) In this section:  
 (1) "Disrupting the conduct of classes or other school activities" includes:  
 (A) emitting noise of an intensity that prevents or hinders classroom instruction;  
 (B) enticing or attempting to entice a student away from a class or other school activity that the student is required to attend;  
 (C) preventing or attempting to prevent a student from attending a class or other school activity that the student is required to attend; and  
 (D) entering a classroom without the consent of either the principal or the teacher and, through either acts of misconduct or the use of loud or profane language, disrupting class activities.  
 (2) "Public property" includes a street, highway, alley, public park, or sidewalk.  
 (3) "School property" includes a public school campus or school grounds on which a public school is located and any grounds or buildings used by a school for an assembly or other school-sponsored activity.  
 (d) It is an exception to the application of Subsection (a) that, at the time the person engaged in conduct prohibited under that subsection, the person was a student in the sixth grade or a lower grade level.  
**SB 1114, passed the House on May 20, 2013**

**§ 37.126. Disruption of Transportation**

(a) Except as provided by Section 37.125, a person commits an offense if the person intentionally disrupts, prevents, or interferes with the lawful transportation of children:  
 (1) to or from school on a vehicle owned or operated by a county or independent school district; or  
 (2) to or from an activity sponsored by a school on a vehicle owned or operated by a county or independent school district.  
 (b) An offense under this section is a Class C misdemeanor.  
 (c) It is an exception to the application of Subsection (a)(1) that, at the time the person engaged in conduct prohibited under that subdivision, the person was **younger than 12 years of age**.  
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(a) Except as provided by Section 37.125, a person **other than a primary or secondary grade student enrolled in the school** commits an offense if the person intentionally disrupts, prevents, or interferes with the lawful transportation of children:  
 (1) to or from school on a vehicle owned or operated by a county or independent school district; or  
 (2) to or from an activity sponsored by a school on a vehicle owned or operated by a county or independent school district.  
 (b) An offense under this section is a Class C misdemeanor.  
 (c) It is an exception to the application of Subsection (a)(1) that, at the time the person engaged in conduct prohibited under that subdivision, the person was a student in the sixth grade or a lower grade level.  
**SB 1114, passed by the House May 20, 2013**

## **ALCOHOLIC BEVERAGE CODE**

### **§ 106.041. Driving or Operating Watercraft Under the Influence of Alcohol by Minor**

(a) A minor commits an offense if the minor operates a motor vehicle in a public place, or operates a watercraft, while having any detectable amount of alcohol in the minor's system.

(b) Except as provided by Subsection (c), an offense under this section is a Class C misdemeanor.

(c) If it is shown at the trial of the defendant that the defendant is a minor who is not a child and who has been previously convicted at least twice of an offense under this section, the offense is punishable by:

- (1) a fine of not less than \$500 or more than \$2,000;
- (2) confinement in jail for a term not to exceed 180 days; or
- (3) both the fine and confinement.

(d) In addition to any fine and any order issued under Section 106.115, the court shall order a minor convicted of an offense under this section to perform community service for:

- (1) not less than 20 or more than 40 hours, if the minor has not been previously convicted of an offense under this section; or
- (2) not less than 40 or more than 60 hours, if the minor has been previously convicted of an offense under this section.

(e) Community service ordered under this section must be related to education about or prevention of misuse of alcohol.

(f) A minor who commits an offense under this section and who has been previously convicted twice or more of offenses under this section is not eligible for deferred disposition or deferred adjudication.

(g) An offense under this section is not a lesser included offense under Section 49.04, 49.045, or 49.06, Penal Code.

(h) For the purpose of determining whether a minor has been previously convicted of an offense under this section:

- (1) an adjudication under Title 3, Family Code, that the minor engaged in conduct described by this section is considered a conviction under this section; and
- (2) an order of deferred disposition for an offense alleged under this section is considered a conviction of an offense under this section.

(i) A peace officer who is charging a minor with committing an offense under this section is not required to take the minor into custody but may issue a citation to the minor that contains written notice of the time and place the minor must appear before a magistrate, the name and address of the minor charged, and the offense charged.

(j) In this section:

- (1) "Child" has the meaning assigned by Section 51.02, Family Code.
- (2) "Motor vehicle" has the meaning assigned by Section 32.34(a), Penal Code.
- (3) "Public place" has the meaning assigned by Section 1.07, Penal Code.

### **§ 106.02. Purchase of Alcohol by a Minor**

(a) A minor commits an offense if the minor purchases an alcoholic beverage. A minor does not commit an offense if the minor purchases an alcoholic beverage under the immediate supervision of a commissioned peace officer engaged in enforcing the provisions of this code.

(b) An offense under this section is punishable as provided by Section 106.071.

### **§ 106.04. Consumption of Alcohol by a Minor**

(a) A minor commits an offense if he consumes an alcoholic beverage.

(b) It is an affirmative defense to prosecution under this section that the alcoholic beverage was consumed in the visible presence of the minor's adult parent, guardian, or spouse.

(c) An offense under this section is punishable as provided by Section 106.071.

(d) A minor who commits an offense under this section and who has been previously convicted twice or more of offenses under this section is not eligible for deferred disposition. For the purposes of this subsection:

- (1) an adjudication under Title 3, Family Code, that the minor engaged in conduct described by this section is considered a conviction of an offense under this section; and

- (2) an order of deferred disposition for an offense alleged under this section is considered a conviction of an offense under this section.
- (e) Subsection (a) does not apply to a minor who:
  - (1) requested emergency medical assistance in response to the possible alcohol overdose of the minor or another person;
  - (2) was the first person to make a request for medical assistance under Subdivision (1); and
  - (3) if the minor requested emergency medical assistance for the possible alcohol overdose of another person:
    - (A) remained on the scene until the medical assistance arrived; and
    - (B) cooperated with medical assistance and law enforcement personnel.

**§ 106.05. Possession of Alcohol by a Minor**

- (a) Except as provided in Subsection (b) of this section, a minor commits an offense if he possesses an alcoholic beverage.
- (b) A minor may possess an alcoholic beverage:
  - (1) while in the course and scope of the minor's employment if the minor is an employee of a licensee or permittee and the employment is not prohibited by this code;
  - (2) if the minor is in the visible presence of his adult parent, guardian, or spouse, or other adult to whom the minor has been committed by a court; or
  - (3) if the minor is under the immediate supervision of a commissioned peace officer engaged in enforcing the provisions of this code.
- (c) An offense under this section is punishable as provided by Section 106.071.
- (d) Subsection (a) does not apply to a minor who:
  - (1) requested emergency medical assistance in response to the possible alcohol overdose of the minor or another person;
  - (2) was the first person to make a request for medical assistance under Subdivision (1); and
  - (3) if the minor requested emergency medical assistance for the possible alcohol overdose of another person:
    - (A) remained on the scene until the medical assistance arrived; and
    - (B) cooperated with medical assistance and law enforcement personnel.

**§ 106.07. Misrepresentation of Age by a Minor**

- (a) A minor commits an offense if he falsely states that he is 21 years of age or older or presents any document that indicates he is 21 years of age or older to a person engaged in selling or serving alcoholic beverages.
- (b) An offense under this section is punishable as provided by Section 106.071.

**HEALTH AND SAFETY CODE**

**§ 161.252. Possession, Purchase, Consumption, or Receipt of Cigarettes or Tobacco Products by Minors Prohibited**

- (a) An individual who is younger than 18 years of age commits an offense if the individual:
  - (1) possesses, purchases, consumes, or accepts a cigarette or tobacco product; or
  - (2) falsely represents himself or herself to be 18 years of age or older by displaying proof of age that is false, fraudulent, or not actually proof of the individual's own age in order to obtain possession of, purchase, or receive a cigarette or tobacco product.
- (b) It is an exception to the application of this section that the individual younger than 18 years of age possessed the cigarette or tobacco product in the presence of:
  - (1) an adult parent, a guardian, or a spouse of the individual; or
  - (2) an employer of the individual, if possession or receipt of the tobacco product is required in the performance of the employee's duties as an employee.
- (c) It is an exception to the application of this section that the individual younger than 18 years of age is participating in an inspection or test of compliance in accordance with Section 161.088.
- (d) An offense under this section is punishable by a fine not to exceed \$250.

## **TRANSPORTATION CODE**

### **§ 521.457. Driving While License Invalid**

- (a) A person commits an offense if the person operates a motor vehicle on a highway:
- (1) after the person's driver's license has been canceled under this chapter if the person does not have a license that was subsequently issued under this chapter;
  - (2) during a period that the person's driver's license or privilege is suspended or revoked under any law of this state;
  - (3) while the person's driver's license is expired if the license expired during a period of suspension; or
  - (4) after renewal of the person's driver's license has been denied under any law of this state, if the person does not have a driver's license subsequently issued under this chapter.
- (b) A person commits an offense if the person is the subject of an order issued under any law of this state that prohibits the person from obtaining a driver's license and the person operates a motor vehicle on a highway.
- (c) It is not a defense to prosecution under this section that the person did not receive actual notice of a suspension imposed as a result of a conviction for an offense under Section 521.341.
- (e) [A]n offense under this section is a Class C misdemeanor.

### **§ 547.616. Radar Interference Devices; Offense**

- (a) In this section, "radar interference device" means a device, a mechanism, an instrument, or equipment that is designed, manufactured, used, or intended to be used to interfere with, scramble, disrupt, or otherwise cause to malfunction a radar or laser device used to measure the speed of a motor vehicle by a law enforcement agency of this state or a political subdivision of this state, including a "radar jamming device," "jammer," "scrambler," or "diffuser." The term does not include a ham radio, band radio, or similar electronic device.
- (b) A person, other than a law enforcement officer in the discharge of the officer's official duties, may not use, attempt to use, install, operate, or attempt to operate a radar interference device in a motor vehicle operated by the person.
- (c) A person may not purchase, sell, or offer for sale a radar interference device to be used in a manner described by Subsection (b).
- (d) A person who violates this section commits an offense. An offense under this subsection is a Class C misdemeanor.