

Texas Code of Criminal Procedure (CCP) Practice Test (Sample)

Study Guide



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SAMPLE

Questions

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- 1. A search warrant for DNA must be executed within how many days?**
 - A. 10 days**
 - B. 15 days**
 - C. 20 days**
 - D. 30 days**
- 2. What term describes an order signed by a magistrate directing a sheriff to imprison a person?**
 - A. Warrant**
 - B. Subpoena**
 - C. Commitment**
 - D. Indictment**
- 3. A search warrant for a purpose other than DNA must be executed within how many days?**
 - A. 1 day**
 - B. 3 days**
 - C. 5 days**
 - D. 7 days**
- 4. Which chapter in the Texas CCP pertains specifically to the rights of defendants?**
 - A. Chapter 2**
 - B. Chapter 1**
 - C. Chapter 3**
 - D. Chapter 4**
- 5. What is a "continuance" in the context of Texas law?**
 - A. A legal sentence served by an offender**
 - B. A legal delay or postponement of a court proceeding**
 - C. A type of plea bargain offered to defendants**
 - D. A method of enforcing restitution**

- 6. What is the legal consequence of a misdemeanor in Texas?**
- A. Typically results in a prison sentence of more than one year**
 - B. Can lead to a fine or jail time of less than one year**
 - C. Is always punishable by community service**
 - D. Requires an automatic trial by jury**
- 7. What is the role of the prosecutor in Texas criminal cases?**
- A. To defend the accused individual**
 - B. To work with law enforcement in investigations**
 - C. To represent the state in prosecuting criminal offenses**
 - D. To provide legal advice to victims**
- 8. Who may request an emergency protection order?**
- A. The defendant**
 - B. The victim of the offense**
 - C. The judge**
 - D. The defense attorney**
- 9. What is the general time limit to file an indictment for a felony in Texas?**
- A. One year**
 - B. Three years**
 - C. Five years**
 - D. Ten years**
- 10. Which type of court has jurisdiction over minor criminal offenses not involving confinement?**
- A. Justice Courts**
 - B. County Courts**
 - C. Municipal Courts**
 - D. District Courts**

Answers

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1. B
2. C
3. B
4. B
5. B
6. B
7. C
8. B
9. B
10. A

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Explanations

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1. A search warrant for DNA must be executed within how many days?

- A. 10 days**
- B. 15 days**
- C. 20 days**
- D. 30 days**

A search warrant for DNA must be executed within 15 days. This requirement is outlined in the Texas Code of Criminal Procedure, which establishes timelines to ensure the prompt execution of search warrants. This is important to maintain the integrity of evidence and ensure that it is collected while still relevant and viable for forensic testing. The 15-day timeframe ensures that law enforcement can act swiftly, which is particularly crucial in instances where DNA evidence may degrade over time or where rapid collection is necessary for investigative purposes. Other timeframes, such as 10, 20, or 30 days, do not align with the specific provisions set forth in the Texas Code. Each of these options represents a duration that is either too short or too long compared to the requirement established in the law, making them incorrect choices for this question.

2. What term describes an order signed by a magistrate directing a sheriff to imprison a person?

- A. Warrant**
- B. Subpoena**
- C. Commitment**
- D. Indictment**

The correct term that describes an order signed by a magistrate directing a sheriff to imprison a person is "commitment." A commitment order is a legal document that authorizes the detention of an individual, typically after a finding of probable cause. This document is issued after the magistrate reviews the circumstances of a case and decides that the individual should be held in custody, either awaiting trial or as part of a sentence. In contrast, a warrant is a broader term related to law enforcement that authorizes actions such as arrests or searches but does not specifically mandate imprisonment. A subpoena is a legal document requiring a person to appear in court or produce evidence but does not involve imprisonment. An indictment, on the other hand, is a formal accusation indicating that a person has been charged with a crime, but it is not an order for imprisonment on its own. The commitment is specific to the act of directing a sheriff to detain a person, making it the most accurate term in this context.

3. A search warrant for a purpose other than DNA must be executed within how many days?

- A. 1 day
- B. 3 days**
- C. 5 days
- D. 7 days

The correct answer is based on the requirements set forth in the Texas Code of Criminal Procedure regarding the execution timeline for search warrants. Specifically, a search warrant, unless it pertains to the collection of DNA, must be executed within three days from the date of its issuance. This rule is in place to ensure a prompt response to the conditions that necessitated the issuance of the warrant, maintaining the integrity of evidence and the freshness of the circumstances that justified the search. In contrast, options that suggest one, five, or seven days do not align with the stipulated timeframe established by Texas law. A one-day execution would be too immediate, potentially disregarding necessary preparation time for law enforcement. Conversely, five or seven days could allow for the deterioration of evidence or changes in circumstances, which is why the law precisely states three days as the adequate period for executing most search warrants.

4. Which chapter in the Texas CCP pertains specifically to the rights of defendants?

- A. Chapter 2
- B. Chapter 1**
- C. Chapter 3
- D. Chapter 4

Chapter 1 of the Texas Code of Criminal Procedure focuses specifically on the rights of defendants. This chapter outlines fundamental rights that are guaranteed to individuals accused of crimes within the state of Texas. The provisions include matters such as the right to due process, the presumption of innocence, and other essential protections that help ensure fair treatment within the criminal justice system. Understanding the importance of this chapter is critical, as it serves as the foundation for protecting individuals' rights and ensuring that the legal process respects these fundamental liberties. This chapter is crucial for anyone studying criminal procedures in Texas, as it sets the stage for the defendant's experiences throughout the adjudication process, detailing what they are entitled to under the law.

5. What is a "continuance" in the context of Texas law?

- A. A legal sentence served by an offender**
- B. A legal delay or postponement of a court proceeding**
- C. A type of plea bargain offered to defendants**
- D. A method of enforcing restitution**

In the context of Texas law, a "continuance" refers to a legal delay or postponement of a court proceeding. This procedural tool is utilized to ensure that parties involved in a case have adequate time to prepare their arguments, gather evidence, or attend to other legal matters that may impact the case. A continuance can be granted for a variety of reasons, including the need for additional time to secure a witness, the necessity for further investigation, or scheduling conflicts that may hinder the ability of either party to effectively participate in the proceedings. The importance of a continuance lies in its ability to uphold the principles of due process, ensuring that all parties receive a fair opportunity to present their case in a manner that is just and equitable. Judges have discretion in granting continuances based on the merits of the requests presented before them, balancing the need for expediency in the judicial process with the rights of the involved parties. Other options do not encapsulate the meaning of a continuance. A legal sentence served by an offender pertains to the punishment meted out following a conviction, while a plea bargain refers to an agreement between the prosecution and defense over the terms of a defendant's guilty plea. Enforcement of restitution involves ensuring a convicted offender fulfills their obligation to compensate

6. What is the legal consequence of a misdemeanor in Texas?

- A. Typically results in a prison sentence of more than one year**
- B. Can lead to a fine or jail time of less than one year**
- C. Is always punishable by community service**
- D. Requires an automatic trial by jury**

In Texas, a misdemeanor is considered a less severe form of criminal offense than a felony. The legal consequence of a misdemeanor typically includes potential penalties such as fines or imprisonment for a duration of less than one year, often served in a county jail rather than a state prison. This aligns with the state's classification of misdemeanors, which can vary in severity, often designated as Class A, B, or C misdemeanors—each with its own specific penalties and maximum jail time. The option suggesting a prison sentence of more than one year pertains to felony convictions, which is not applicable to misdemeanors. The notion of community service as a mandatory punishment is not always a requirement for all misdemeanors and can be part of a particular sentence but does not universally apply. Lastly, while individuals charged with misdemeanors may opt for a jury trial, it is not a requirement, as certain minor offenses may more commonly be resolved in bench trials (decided by a judge alone). Thus, the understanding of the penalties applicable to misdemeanors in Texas supports that they commonly result in fines or jail time of less than one year.

7. What is the role of the prosecutor in Texas criminal cases?

- A. To defend the accused individual**
- B. To work with law enforcement in investigations**
- C. To represent the state in prosecuting criminal offenses**
- D. To provide legal advice to victims**

The role of the prosecutor in Texas criminal cases is to represent the state in prosecuting criminal offenses. This responsibility involves bringing charges against individuals accused of crimes, presenting evidence in court, and advocating for the interests of the community and justice system. The prosecutor's goal is to ensure that the rule of law is upheld and that those who violate it are held accountable for their actions. Prosecutors also play a crucial role in ensuring that the prosecution process is fair and just, which includes making decisions about whether to pursue charges, negotiating plea deals, and sometimes recommending sentences. Their actions directly impact the outcome of a case, as they are integral to the judicial process in maintaining public safety and upholding the law. In contrast, other roles mentioned would not align with the responsibilities of a prosecutor. For instance, defending the accused is the role of the defense attorney, while providing legal advice to victims typically falls under the purview of victim advocates or legal aid services. Working with law enforcement in investigations may be part of the prosecutor's role, but it does not encapsulate the primary function, which is to prosecute and represent the state in these legal matters.

8. Who may request an emergency protection order?

- A. The defendant**
- B. The victim of the offense**
- C. The judge**
- D. The defense attorney**

An emergency protection order is primarily designed to provide immediate protection to a victim of a violent crime, particularly in situations involving domestic violence or sexual assault. In Texas, the victim of the offense is empowered to request this order in order to ensure their safety and well-being after an incident has occurred. This legal mechanism allows the victim to seek relief swiftly, minimizing the risk of further harm. While judges and law enforcement may initiate orders or assess the need for an emergency protection order, it is the victim who is directly affected by the crime and has the strongest motivation to seek such protection. The process is intended to prioritize the safety of the victim, hence they are granted the right to initiate the request. The roles of defense attorneys and defendants in this context are more focused on legal representation and defense strategies, rather than directly seeking protective measures for victims.

9. What is the general time limit to file an indictment for a felony in Texas?

- A. One year
- B. Three years**
- C. Five years
- D. Ten years

In Texas, the statute of limitations for filing an indictment for a felony is generally three years. This means that the state has three years from the date of the alleged offense to initiate formal charges against an individual. This time frame is intended to ensure that cases are prosecuted while evidence is still fresh and relevant to the severity of the crime. The three-year limit applies to most felony offenses, allowing for adequate time to gather evidence and prepare for prosecution, but it's important to note that certain felonies may have different limitations based on their nature or circumstances. Some serious crimes, like murder, do not have a statute of limitations and can be prosecuted at any time. Understanding this time limit is crucial for both legal professionals and individuals to know their rights and the timelines within which legal actions must be taken. The other time frames listed in the choices refer to lesser offenses or are applicable in contexts not directly related to felony indictments.

10. Which type of court has jurisdiction over minor criminal offenses not involving confinement?

- A. Justice Courts**
- B. County Courts
- C. Municipal Courts
- D. District Courts

Justice Courts have jurisdiction over minor criminal offenses that typically do not involve confinement, such as misdemeanors that carry smaller penalties. These courts handle cases such as minor traffic violations, certain low-level criminal offenses, and other civil matters. Their role is significant because they provide a local venue for resolving disputes and addressing minor criminal issues promptly. While County Courts and Municipal Courts also have their own specific jurisdictions, Justice Courts are uniquely positioned to handle minor offenses across various geographic locations, aligning with their local community focus. District Courts, on the other hand, generally deal with felony cases and more serious criminal matters, making them unsuitable for the specified scope of this question. Thus, Justice Courts are specifically designed to address minor criminal offenses, which is why they are the correct answer.