

Texas Penal Code Practice (Sample)

Study Guide



Everything you need from our exam experts!

Copyright © 2025 by Examzify - A Kaluba Technologies Inc. product.

ALL RIGHTS RESERVED.

No part of this book may be reproduced or transferred in any form or by any means, graphic, electronic, or mechanical, including photocopying, recording, web distribution, taping, or by any information storage retrieval system, without the written permission of the author.

Notice: Examzify makes every reasonable effort to obtain from reliable sources accurate, complete, and timely information about this product.

SAMPLE

Questions

SAMPLE

- 1. What crime is committed when tampering with tangible property causes substantial inconvenience to the owner or a third person?**
 - A. Graffiti**
 - B. Criminal Mischief**
 - C. Leaving Child in Motor Vehicle**
 - D. Violation of Protection Order**
- 2. What is the most severe penalty for a crime in Texas according to the penal code?**
 - A. 2-20 years in jail**
 - B. Life in prison**
 - C. Death penalty**
 - D. \$50,000 fine**
- 3. What penalties can accompany a conviction for "evading arrest" in Texas?**
 - A. Only fines applicable**
 - B. Class A misdemeanor or felony, depending on circumstances**
 - C. Probation only**
 - D. Only community service**
- 4. What type of conduct falls under "harassment" in Texas?**
 - A. Conduct meant to encourage someone**
 - B. Conduct intended to annoy, alarm, or intimidate another person**
 - C. Conduct meant to educate**
 - D. Conduct that does not affect another person**
- 5. What does "failure to report" signify concerning offenses in Texas?**
 - A. The act of reporting cases of domestic abuse**
 - B. Obligation to report suspected cases of child abuse or neglect**
 - C. Failure to acknowledge minor infractions**
 - D. Neglecting to file a police report for theft**

- 6. What is the penalty for a Class "C" misdemeanor in Texas?**
- A. Up to \$500 fine**
 - B. No jail time**
 - C. 30 days in jail**
 - D. Community service**
- 7. What is a critical component of the "insanity defense" in Texas?**
- A. The inability to remember the crime occurred**
 - B. The knowledge of wrongdoing due to mental illness**
 - C. The lack of awareness of the wrongness of actions**
 - D. The individual can articulate their actions**
- 8. Which action constitutes Disorderly Conduct in a public place?**
- A. Displaying an offensive gesture**
 - B. Initiating communication by telephone**
 - C. Engaging in prostitution**
 - D. Looking into a dwelling through a window without permission**
- 9. What is the legal definition of "identity theft" in Texas?**
- A. Using someone's credit card information legally**
 - B. Unlawful use of another person's identifying information**
 - C. Stealing physical identification**
 - D. Retrieving lost identification documents**
- 10. Which offense involves causing bodily injury to another person or placing them in fear of imminent bodily injury or death, specifically targeting individuals who are 65 years or older or disabled?**
- A. Aggravated Robbery**
 - B. Burglary**
 - C. Theft of \$1500 to \$20,000**
 - D. Class "C" Theft**

Answers

SAMPLE

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

SAMPLE

Explanations

SAMPLE

1. What crime is committed when tampering with tangible property causes substantial inconvenience to the owner or a third person?

A. Graffiti

B. Criminal Mischief

C. Leaving Child in Motor Vehicle

D. Violation of Protection Order

The correct answer is B. Criminal Mischief. Criminal Mischief is committed when someone intentionally or knowingly damages tangible property of another without the owner's effective consent, and when this act causes substantial inconvenience to the owner or a third person. This can include damaging or destroying property, tampering with it to an extent that causes significant inconvenience, or even altering it in a way that reduces its value. Option A, Graffiti, specifically refers to the act of marking or defacing property without the owner's consent, which is a form of Criminal Mischief but not the only type. Option C, Leaving Child in Motor Vehicle, refers to a separate offense related to endangering a child's safety by leaving them unattended in a vehicle, and is not directly related to damaging tangible property. Option D, Violation of Protection Order, involves violating the terms of a protective order issued by the court to prevent contact or certain behaviors towards a protected individual, and does not pertain to damaging tangible property.

2. What is the most severe penalty for a crime in Texas according to the penal code?

A. 2-20 years in jail

B. Life in prison

C. Death penalty

D. \$50,000 fine

In Texas, the most severe penalty for a crime according to the penal code is the death penalty. Capital punishment is reserved for the most serious crimes and is considered the ultimate punishment for offenders who commit heinous acts. While options A and B represent significant penalties of imprisonment, the death penalty surpasses them in terms of severity. Additionally, a fine, such as the one mentioned in option D, is a monetary penalty and is not as severe as imprisonment or the death penalty for serious criminal offenses in Texas.

3. What penalties can accompany a conviction for "evading arrest" in Texas?

A. Only fines applicable

B. Class A misdemeanor or felony, depending on circumstances

C. Probation only

D. Only community service

A conviction for "evading arrest" in Texas can lead to a Class A misdemeanor or a felony charge, depending on the circumstances surrounding the offense. The Texas Penal Code specifies that if a person evades arrest or detention, it is typically classified as a Class A misdemeanor. However, if the person uses a vehicle to evade law enforcement, the charge escalates to a felony level. This distinction is important because it addresses not only the act of evasion but also takes into account the potential danger to public safety and law enforcement officers when a vehicle is involved. The penalties for a felony can be much more severe, including longer jail sentences and higher fines compared to a Class A misdemeanor. Understanding this range reinforces the seriousness with which Texas law treats evading arrest, and it emphasizes the variable nature of the penalties based on the specifics of each case. The other options do not accurately reflect the scope of penalties associated with evading arrest under Texas law, which is why they do not represent the appropriate answer.

4. What type of conduct falls under "harassment" in Texas?

A. Conduct meant to encourage someone

B. Conduct intended to annoy, alarm, or intimidate another person

C. Conduct meant to educate

D. Conduct that does not affect another person

In Texas, harassment is defined by actions that are intended to annoy, alarm, or intimidate another individual. The law recognizes that such conduct can create an oppressive situation for the targeted person, impacting their sense of safety and well-being. The focus is on the intent behind the conduct and its effect on the victim, which is why behavior that seeks to intimidate or cause distress is classified as harassment. This understanding helps to protect individuals from various forms of unwanted or aggressive behavior that can disrupt their lives. Other forms of conduct mentioned, such as behaviors meant to encourage or educate, do not align with the criteria for harassment because they lack the malicious intent to cause distress or alarm. Similarly, conduct that does not affect another person is not considered harassment since it does not fulfill the requirement of having a negative impact on someone's emotional state or personal safety.

5. What does "failure to report" signify concerning offenses in Texas?

A. The act of reporting cases of domestic abuse

B. Obligation to report suspected cases of child abuse or neglect

C. Failure to acknowledge minor infractions

D. Neglecting to file a police report for theft

The term "failure to report" primarily identifies the legal obligation imposed on certain professionals and individuals to report suspected cases of child abuse or neglect in Texas. This obligation stems from Texas Family Code, which specifies that certain individuals, including teachers, doctors, and social workers, must report any suspected abuse or neglect they encounter in their professional capacity. Failing to fulfill this requirement can result in legal consequences, as it is considered a violation of state law. This legal framework is designed to protect vulnerable children by ensuring that suspicions of abuse are communicated to the appropriate authorities for investigation. The other options do not encapsulate the legal implications of "failure to report." Reporting domestic abuse, while important, does not specifically highlight the mandated duty associated with child abuse. Acknowledging minor infractions and failing to file a police report for theft are too broad and do not fall under the legal requirements outlined in Texas statutes related to mandatory reporting of abuse.

6. What is the penalty for a Class "C" misdemeanor in Texas?

A. Up to \$500 fine

B. No jail time

C. 30 days in jail

D. Community service

A Class "C" misdemeanor in Texas can result in a fine of up to \$500, but it does not usually result in jail time or community service. This category of misdemeanor is the least serious and carries the lowest penalty. Option B and D are incorrect because they suggest no jail time or community service, respectively. Option C may seem like a possible answer due to the term "C" in the question, but it is incorrect because a Class "C" misdemeanor typically does not result in 30 days in jail in Texas. Option A is the most accurate because it reflects the potential penalty for a Class "C" misdemeanor in Texas.

7. What is a critical component of the "insanity defense" in Texas?

- A. The inability to remember the crime occurred**
- B. The knowledge of wrongdoing due to mental illness**
- C. The lack of awareness of the wrongness of actions**
- D. The individual can articulate their actions**

The critical component of the "insanity defense" in Texas focuses on whether the individual lacked awareness of the wrongness of their actions due to a severe mental illness at the time of the crime. This means that the person was unable to understand that what they were doing was wrong according to societal standards. This lack of awareness is central to establishing the insanity defense, as it points to the individual's incapacity to differentiate between right and wrong due to their mental condition. In contrast, other options suggest elements that do not align with the legal requirements for an insanity defense. For instance, simply being unable to remember the crime does not demonstrate a lack of understanding of its wrongness. Similarly, the knowledge of wrongdoing due to mental illness would not support an insanity claim, since the focus is on the inability to recognize the act as wrong rather than understanding it as such. The individual being able to articulate their actions suggests a degree of rationality and awareness that contradicts the essence of the insanity defense. Therefore, the aspect of lacking awareness of wrongdoing is indeed the most pivotal in establishing this defense in Texas.

8. Which action constitutes Disorderly Conduct in a public place?

- A. Displaying an offensive gesture**
- B. Initiating communication by telephone**
- C. Engaging in prostitution**
- D. Looking into a dwelling through a window without permission**

Displaying an offensive gesture in a public place constitutes Disorderly Conduct under the Texas Penal Code. This action is specifically mentioned in Section 42.01(a)(4) as behavior that can be considered offensive or provocative enough to disturb the peace in a public setting. Engaging in prostitution is addressed under different provisions of the Penal Code related to prostitution offenses, not Disorderly Conduct. Initiating communication by telephone and looking into a dwelling through a window without permission do not directly fall under Disorderly Conduct in a public place as defined in the Texas Penal Code.

9. What is the legal definition of "identity theft" in Texas?

- A. Using someone's credit card information legally**
- B. Unlawful use of another person's identifying information**
- C. Stealing physical identification**
- D. Retrieving lost identification documents**

The legal definition of "identity theft" in Texas is accurately captured as the unlawful use of another person's identifying information. This encompasses a range of activities where someone uses another individual's personal information, such as Social Security numbers, credit card details, or other identifying data, without permission to commit fraud or other crimes. Texas Penal Code specifies that this act is a serious offense because it can lead to significant financial and reputational harm for the victim. In contrast, using someone's credit card information legally does not fit the definition of identity theft, as it does not involve unlawful actions. Similarly, stealing physical identification represents a subset of identity theft but isn't broad enough to capture all activities involved in identity theft, such as digital fraud or the use of information without necessarily stealing physical items. Finally, retrieving lost identification documents does not constitute identity theft, as this act is typically lawful and doesn't involve unauthorized use of another person's information. Therefore, the definition provided in the correct answer captures the broader scope of illegal acts associated with identity theft.

10. Which offense involves causing bodily injury to another person or placing them in fear of imminent bodily injury or death, specifically targeting individuals who are 65 years or older or disabled?

- A. Aggravated Robbery**
- B. Burglary**
- C. Theft of \$1500 to \$20,000**
- D. Class "C" Theft**

Aggravated robbery is the correct answer because it involves causing bodily injury or fear of bodily injury to a specific group of people - those who are 65 or older or disabled. Option B, burglary, does not involve targeting a specific group and is defined as unlawfully entering a building with the intent to commit a crime. Option C, theft of \$1500 to \$20,000, does not involve physical harm or targeting a specific group, and is defined as the act of taking someone else's property without their consent. Option D, Class "C" theft, also does not involve targeting a specific group and is defined as taking or using property without the owner's consent. Therefore, aggravated robbery is the only offense that fits the criteria given in the question.