

TABLE 7.1

Texas Penal Code: Offenses with Graded Penalties

Offense Level	Examples	Maximum Punishment	Court with Original Jurisdiction
Capital felony	Capital murder; murder of a child	State execution or life in prison without parole	District court; automatic appeal to Texas Court of Criminal Appeals
First degree felony	Murder (except under the influence of sudden passion); aggravated sexual assault; theft of \$200,000 or more	Life in prison and \$10,000 fine	District court
Second degree felony	Manslaughter; aggravated kidnapping; theft of more than \$100,000 but less than \$200,000	Imprisonment for 2 to 20 years and \$10,000 fine	District court
Third degree felony	Kidnapping; child abandonment; terrorist threat; theft of more than \$20,000 but less than \$100,000	Imprisonment for 2 to 10 years and \$10,000 fine	District court
State jail felony (fourth degree felony)	Criminally negligent homicide; dog fighting; theft of more than \$1,500 but less than \$20,000	Imprisonment for 180 days to 2 years and \$10,000 fine	District court
Class A misdemeanor	Online impersonation; possession of marijuana (more than 2 oz. but less than 4 oz.); attending a dog fight; theft of more than \$500 but less than \$1,500	Confinement in jail for 1 year and \$4,000 fine	Constitutional county court/ county court at law
Class B misdemeanor	Driving while intoxicated; indecent exposure; possession of marijuana (2 oz. or less); theft of more than \$50 but less than \$500	Confinement in jail for 180 days and \$2,000 fine	Constitutional county court/ county court at law
Class C misdemeanor	Public intoxication; possession of alcohol in automobile; theft of less than \$20	\$500 fine	Justice of the peace court/ municipal court

Source: Data from Office of the Attorney General, “Penal Code Offenses by Punishment Range: Including Updates from the 83rd Legislative Session,” April 2014, www.oag.state.tx.us/AG.Publications/pdfs/penalcode.pdf (accessed July, 7, 2014).