

**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	Life in prison and \$10,000 fine	District court
Second degree felony	Manslaughter; aggravated kidnapping; online solicitation of a minor	Imprisonment for 2 to 20 years and \$10,000 fine	District court
Third degree felony	Kidnapping; child abandonment; terrorist threat; discharging a firearm toward a building; theft of more than \$30,000 but less than \$150,000	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 \$2,500 but less than \$30,000	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 \$750 but less than \$2,500	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 \$100 but less than \$750	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 \$100	\$500 fine	Justice of the peace (JP) court/municipal court

**Source:** Data from Office of the Attorney General, “Penal Code Offenses by Punishment Range: Including Updates from the 84th Legislative Session,” November 2015, <https://www.texasattorneygeneral.gov/files/cj/penalcode.pdf> (accessed July, 7, 2014).