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| **TEXAS CTE LESSON PLAN**[www.txcte.org](http://www.txcte.org) |
| **Lesson Identification and TEKS Addressed** |
| **Career Cluster** | Law, Public Safety, Corrections & Security |
| **Course Name** | Law Enforcement I |
| **Lesson/Unit Title** | Property Offenses |
| **TEKS Student Expectations** | **130.336. (c) Knowledge and Skills**(8) The student analyzes procedural and substantive criminal law. The student is expected to:(A) define crime categories and respective punishments according to the Texas Penal Code(B) analyze the elements of criminal acts according to Texas laws, including Alcoholic Beverage Code, Family Code, Penal Code, Health and Safety Code, and Criminal Code of Procedure(D) analyze types of criminal defenses. |
| **Basic Direct Teach Lesson**(Includes Special Education Modifications/Accommodations and one English Language Proficiency Standards (ELPS) Strategy) |
| **Instructional Objectives** | The student will be able to * discuss the definitions all property crimes have in common, and
* distinguish the different types of property crimes and their punishments through scenarios.
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| **Rationale** | Police officers must respond to property-crime calls. They must be able to distinguish the call as that of a specific property crime to file the appropriate charges. |
| **Duration of Lesson** | 6 to 7 hours |
| **Word Wall/Key Vocabulary***(ELPS c1a,c,f; c2b; c3a,b,d; c4c; c5b) PDAS II(5)* | * Habitation
* Tangible Property
* Intangible Property
* Misdemeanor
* Pecuniary Loss
* Pursuant
* Ascertained
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| **Materials/Specialized Equipment Needed** | * Property Crimes Newscast Activity Group Assignments
* Video camera
* Internet access
* Computer
* Presentation materials or computer-based presentation software
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| **Anticipatory Set**(May include pre-assessment for prior knowledge) | Essential QuestionWhat are the different types of property crimes and their punishments?  |
| **Direct Instruction \*** |

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| [CRIMINAL MISCHIEF, AND OTHER PROPERTY DAMAGE OR](http://www.statutes.legis.state.tx.us/Docs/PE/htm/PE.28.htm) |
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| [Sec. 28.01. DEFINITIONS.](http://www.statutes.legis.state.tx.us/Docs/PE/htm/PE.28.htm#28.01) |
| In this chapter: |  |
| (1) "Habitation" means a structure or vehicle that is adapted |
| for the overnight accommodation of persons and includes: |
| (A) | each separately secured or occupied portion of the |
|  | structure or vehicle; and |
| (B) | each structure appurtenant to or connected with the |
|  | structure or vehicle. |

1. "Building" means any structure or enclosure intended for use or occupation as a habitation or for some purpose of trade, manufacture, ornament, or use.
2. "Property" means:
	1. real property;
	2. tangible or intangible personal property, including anything severed from land; or
	3. a document, including money, that represents or embodies anything of value.
3. "Vehicle" includes any device in, on, or by which any person or property is or may be propelled, moved, or drawn in the normal course of commerce or transportation.
4. "Open-space land" means real property that is undeveloped for human habitation.

"Controlled burning" means the burning of unwanted vegetation with the consent of the owner of the property on which the vegetation is located and in such a manner that the fire is controlled and limited to a designated area.[Sec. 28.02. ARSON.](http://www.statutes.legis.state.tx.us/Docs/PE/htm/PE.28.htm#28.02)1. A person commits an offense if the person starts a fire, regardless of whether the fire continues after ignition, or causes an explosion with intent to destroy or damage:
	1. any vegetation, fence, or structure on open-space land; or
	2. any building, habitation, or vehicle:
		1. knowing that it is within the limits of an incorporated city or town;
		2. knowing that it is insured against damage or destruction;
		3. knowing that it is subject to a mortgage or other security interest;
		4. knowing that it is located on property belonging to another;
		5. knowing that it has located within it property belonging to another; or
		6. when the person is reckless about whether the

burning or explosion will endanger the life of some individual or the safety of the property of another.(a-1) A person commits an offense if the person recklessly starts a fire or causes an explosion while manufacturing or attempting to manufacture a controlled substance and the fire or explosion damages any building, habitation, or vehicle.(a-2) A person commits an offense if the person intentionally starts a fire or causes an explosion and in so doing:* 1. recklessly damages or destroys a building belonging to another; or
	2. recklessly causes another person to suffer bodily injury or death.
1. It is an exception to the application of Subsection (a)(1) that the fire or explosion was a part of the controlled burning of open-space land.
2. It is a defense to prosecution under Subsection (a)(2)(A) that prior to starting the fire or causing the explosion, the actor obtained a permit or other written authorization granted in accordance with a city ordinance, if any, regulating fires and explosions.
3. An offense under Subsection (a) is a felony of the second degree, except that the offense is a felony of the first degree if it is shown on the trial of the offense that:
	1. bodily injury or death was suffered by any person because of the commission of the offense; or
	2. the property intended to be damaged or destroyed by the actor was a habitation or a place of assembly or worship.
4. An offense under Subsection (a-1) is a state jail felony, except

that the offense is a felony of the third degree if it is shown on the trial of the offense that bodily injury or death was suffered by any person because of the commission of the offense.1. An offense under Subsection (a-2) is a state jail felony.
2. If conduct that constitutes an offense under Subsection (a-1) or that constitutes an offense under Subsection (a-2) also constitutes an offense under another subsection of this section or another section of this code, the actor may be prosecuted under Subsection (a-1) or Subsection (a-2), under the other subsection

of this section, or under the other section of this code.[Sec. 28.03. CRIMINAL MISCHIEF.](http://www.statutes.legis.state.tx.us/Docs/PE/htm/PE.28.htm#28.03)1. 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.
2. Except as provided by Subsections (f) and (h), an offense under this section is:
	1. a Class C misdemeanor if:
		1. the amount of pecuniary loss is less than $50; or
		2. except as provided in Subdivision (3)(A) or (3)(B), it causes substantial inconvenience to others;
	2. a Class B misdemeanor if the amount of pecuniary loss is $50 or more but less than $500;
	3. a Class A misdemeanor if:
		1. the amount of pecuniary loss is $500 or more but less than $1,500; or
		2. the actor causes in whole or in part impairment or interruption of any public water supply, or causes to be diverted in whole, in part, or in any manner, including installation or removal of any device for any such purpose, any public water supply, regardless of the amount of the pecuniary loss;
	4. a state jail felony if the amount of pecuniary loss is:
		1. $1,500 or more but less than $20,000;
		2. less than $1,500, if the property damaged or destroyed is a habitation and if the damage or destruction is caused by a firearm or explosive weapon;

(C)less than $1,500, if the property was a fence used for the production or containment of:* + - 1. cattle, bison, horses, sheep, swine, goats, exotic livestock, or exotic poultry; or
			2. game animals as that term is defined by Section [63.001,](http://www.statutes.legis.state.tx.us/GetStatute.aspx?Code=PW&Value=63.001&Date=6/28/2014) Parks and Wildlife Code; or
		1. less than $20,000 and the actor causes wholly or partly impairment or interruption of public communications, public transportation, public gas or power supply, or other public service, or causes to be diverted wholly, partly, or in any manner, including installation or removal of any device for any such purpose, any public communications or public gas or power supply;
	1. a felony of the third degree if the amount of the pecuniary loss is $20,000 or more but less than $100,000;
	2. a felony of the second degree if the amount of pecuniary loss is $100,000 or more but less than $200,000; or
	3. a felony of the first degree if the amount of pecuniary loss is $200,000 or more.
1. For the purposes of this section, it shall be presumed that a person who is receiving the economic benefit of public communications, public water, gas, or power supply, has knowingly tampered with the tangible property of the owner if the communication or supply has been:
	1. diverted from passing through a metering device; or
	2. prevented from being correctly registered by a metering device; or
	3. activated by any device installed to obtain public communications, public water, gas, or power supply without a metering device.
2. The terms "public communication, public transportation, public gas or power supply, or other public service" and "public water supply" shall mean, refer to, and include any such services subject to regulation by the Public Utility Commission of Texas, the Railroad Commission of Texas, or the Texas Natural Resource Conservation Commission or any such services enfranchised by the State of Texas or any political subdivision thereof.
3. When more than one item of tangible property, belonging to one or more owners, is damaged, destroyed, or tampered with in violation of this section pursuant to one scheme or continuing course of conduct, the conduct may be considered as one offense, and the amounts of pecuniary loss to property resulting from the damage to, destruction of, or tampering with the property may be aggregated in determining the grade of the offense.

An offense under this section is a state jail felony if the damage or destruction is inflicted on a place of worship or human burial, a public monument, or a community center that provides medical, social, or educational programs and the amount of the pecuniary loss to real property or to tangible personal property is less than $20,000.1. In this section:
	1. "Explosive weapon" means any explosive or incendiary device that is designed, made, or adapted for inflicting serious bodily injury, death, or substantial property damage, or for the principal purpose of causing such a loud report as to cause undue public alarm or terror, and includes:
		1. an explosive or incendiary bomb, grenade, rocket, and mine;
		2. a device designed, made, or adapted for delivering or shooting an explosive weapon; and
		3. a device designed, made, or adapted to start a fire in a time-delayed manner.
	2. "Firearm" has the meaning assigned by Section [46.01.](http://www.statutes.legis.state.tx.us/GetStatute.aspx?Code=PE&Value=46.01&Date=6/28/2014)
	3. "Institution of higher education" has the meaning assigned by Section [61.003,](http://www.statutes.legis.state.tx.us/GetStatute.aspx?Code=ED&Value=61.003&Date=6/28/2014) Education Code.
	4. "Aluminum wiring" means insulated or noninsulated wire or cable that consists of at least 50 percent aluminum, including any tubing or conduit attached to the wire or cable.
	5. "Bronze wiring" means insulated or noninsulated wire or cable that consists of at least 50 percent bronze, including any tubing or conduit attached to the wire or cable.
	6. "Copper wiring" means insulated or noninsulated wire or cable that consists of at least 50 percent copper, including any tubing or conduit attached to the wire or cable.
	7. "Transportation communications equipment" means:
		1. an official traffic-control device, railroad sign or signal, or traffic-control signal, as those terms are defined by Section [541.304,](http://www.statutes.legis.state.tx.us/GetStatute.aspx?Code=TN&Value=541.304&Date=6/28/2014) Transportation Code; or
		2. a sign, signal, or device erected by a railroad, public body, or public officer to direct the movement of a railroad train, as defined by Section [541.202,](http://www.statutes.legis.state.tx.us/GetStatute.aspx?Code=TN&Value=541.202&Date=6/28/2014) Transportation Code.
	8. "Transportation communications device" means any item attached to transportation communications equipment, including aluminum wiring, bronze wiring, and copper wiring.
2. An offense under this section is a state jail felony if the amount of the pecuniary loss to real property or to tangible personal property is $1,500 or more but less than $20,000 and the damage or destruction is inflicted on a public or private elementary school, secondary school, or institution of higher education.
3. Notwithstanding Subsection (b), an offense under this section is a felony of the first degree if the property is livestock and the damage is caused by introducing bovine spongiform encephalopathy, commonly known as mad cow disease, or a disease described by Section [161.041](http://www.statutes.legis.state.tx.us/GetStatute.aspx?Code=AG&Value=161.041&Date=6/28/2014)(a), Agriculture Code. In this subsection, "livestock" has the meaning assigned by Section [161.001,](http://www.statutes.legis.state.tx.us/GetStatute.aspx?Code=AG&Value=161.001&Date=6/28/2014) Agriculture Code.
4. Notwithstanding Subsection (b), an offense under this section is a felony of the third degree if:
	1. the tangible property damaged, destroyed, or tampered with is transportation communications equipment or a transportation communications device; and
	2. the amount of the pecuniary loss to the tangible property is less than $100,000.

[Sec. 28.04. RECKLESS DAMAGE OR DESTRUCTION.](http://www.statutes.legis.state.tx.us/Docs/PE/htm/PE.28.htm#28.04)1. A person commits an offense if, without the effective consent of the owner, he recklessly damages or destroys property of the owner.
2. An offense under this section is a Class C misdemeanor.

[Sec. 28.05. ACTOR'S INTEREST IN PROPERTY.](http://www.statutes.legis.state.tx.us/Docs/PE/htm/PE.28.htm#28.05)It is no defense to prosecution under this chapter that the actor hasan interest in the property damaged or destroyed if another person also has an interest that the actor is not entitled to infringe.[Sec. 28.06. AMOUNT OF PECUNIARY LOSS.](http://www.statutes.legis.state.tx.us/Docs/PE/htm/PE.28.htm#28.06)1. The amount of pecuniary loss under this chapter, if the property is destroyed, is:
	1. the fair market value of the property at the time and place of the destruction; or
	2. if the fair market value of the property cannot be ascertained, the cost of replacing the property within a reasonable time after the destruction.
2. The amount of pecuniary loss under this chapter, if the property is damaged, is the cost of repairing or restoring the damaged property within a reasonable time after the damage occurred.
3. The amount of pecuniary loss under this chapter for documents, other than those having a readily ascertainable market value, is:
	1. the amount due and collectible at maturity less any part that has been satisfied, if the document constitutes evidence of a debt; or
	2. the greatest amount of economic loss that the owner might reasonably suffer by virtue of the destruction or damage if the document is other than evidence of a debt.
4. If the amount of pecuniary loss cannot be ascertained by the criteria set forth in Subsections (a) through (c), the amount of loss is deemed to be greater than $500 but less than $1,500.
5. If the actor proves by a preponderance of the evidence that he

gave consideration for or had a legal interest in the property involved, the value of the interest so proven shall be deducted from:1. the amount of pecuniary loss if the property is destroyed; or
2. the amount of pecuniary loss to the extent of an amount equal to the ratio the value of the interest bears to the total value of the property, if the property is damaged.

[Sec. 28.07. INTERFERENCE WITH RAILROAD PROPERTY.](http://www.statutes.legis.state.tx.us/Docs/PE/htm/PE.28.htm#28.07)1. In this section:
	1. "Railroad property" means:
		1. a train, locomotive, railroad car, caboose, work equipment, rolling stock, safety device, switch, or connection that is owned, leased, operated, or possessed by a railroad; or
		2. a railroad track, rail, bridge, trestle, or right-of-way owned or used by a railroad.
	2. "Tamper" means to move, alter, or interfere with railroad property.
2. A person commits an offense if the person:
	1. throws an object or discharges a firearm or weapon at a train or rail-mounted work equipment; or
	2. without the effective consent of the owner:
		1. enters or remains on railroad property, knowing that it is railroad property;
		2. tampers with railroad property;
		3. places an obstruction on a railroad track or right-of-way; or
		4. causes in any manner the derailment of a train, railroad car, or other railroad property that moves on tracks.
3. An offense under Subsection (b)(1) is a Class B misdemeanor unless the person causes bodily injury to another, in which event the offense is a felony of the third degree.
4. An offense under Subsection (b)(2)(A) is a Class C misdemeanor.
5. An offense under Subsection (b)(2)(B), (b)(2)(C), or (b)(2)(D) is a Class C misdemeanor unless the person causes pecuniary loss, in which event the offense is:
	1. a Class B misdemeanor if the amount of pecuniary loss is $20 or more but less than $500;
	2. a Class A misdemeanor if the amount of pecuniary loss is $500 or more but less than $1,500;
	3. a state jail felony if the amount of pecuniary loss is $1,500 or more but less than $20,000;
	4. a felony of the third degree if the amount of the pecuniary loss is $20,000 or more but less than $100,000;
	5. a felony of the second degree if the amount of pecuniary loss is $100,000 or more but less than $200,000; or
	6. a felony of the first degree if the amount of the pecuniary loss is $200,000 or more.
6. The conduct described in Subsection (b)(2)(A) is not an offense under this section if it is undertaken by an employee of the railroad or by a representative of a labor organization which represents or is seeking to represent the employees of the railroad if the employee or representative has a right to engage in such conduct under the Railway Labor Act (45 U.S.C. Section 151 et seq.).

[Sec. 28.08. GRAFFITI.](http://www.statutes.legis.state.tx.us/Docs/PE/htm/PE.28.htm#28.08)1. A person commits an offense if, without the effective consent of the owner, the person intentionally or knowingly makes markings, including inscriptions, slogans, drawings, or paintings, on the tangible property of the owner with:
	1. paint;
	2. an indelible marker; or
	3. an etching or engraving device.
2. Except as provided by Subsection (d), an offense under this section is:
	1. a Class B misdemeanor if the amount of pecuniary loss is less than $500;
	2. a Class A misdemeanor if the amount of pecuniary loss is $500 or more but less than $1,500;
	3. a state jail felony if the amount of pecuniary loss is $1,500 or more but less than $20,000;
	4. a felony of the third degree if the amount of pecuniary loss is $20,000 or more but less than $100,000;
	5. a felony of the second degree if the amount of pecuniary loss is $100,000 or more but less than $200,000; or
	6. a felony of the first degree if the amount of pecuniary loss is $200,000 or more.
3. When more than one item of tangible property, belonging to one or more owners, is marked in violation of this section pursuant to one scheme or continuing course of conduct, the conduct may be considered as one offense, and the amounts of pecuniary loss to property resulting from the marking of the property may be aggregated in determining the grade of the offense.
4. An offense under this section is a state jail felony if:
	1. the marking is made on a school, an institution of higher education, a place of worship or human burial, a public monument, or a community center that provides medical, social, or educational programs; and
	2. the amount of the pecuniary loss to real property or to tangible personal property is less than $20,000.
5. In this section:
6. "Aerosol paint" means an aerosolized paint product.
7. "Etching or engraving device" means a device that makes a delineation or impression on tangible property, regardless of the manufacturer's intended use for that device.
8. "Indelible marker" means a device that makes a mark with a paint or ink product that is specifically formulated to be more difficult to erase, wash out, or remove than ordinary paint or ink products.
9. "Institution of higher education" has the meaning assigned by Section [481.134,](http://www.statutes.legis.state.tx.us/GetStatute.aspx?Code=HS&Value=481.134&Date=6/28/2014) Health and Safety Code.
10. "School" means a private or public elementary or secondary school.
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| **Guided Practice \*** | 1. View and discuss videos about property crimes. To find videos do an Internet search for the following:
	* Attempted burglary Alameda Surveillance Video
	* Idiot of the Day: Stupid Criminal
	* Big Red Burglary Duncanville
	* Pump N Pantry - Smash N Grab the ATM video

Use the Discussion Rubric for assessment. |
| **Independent Practice/Laboratory Experience/Differentiated Activities \*** | 1. Newscast activity. Divide the class into five groups. Assign each group four property crimes to cover in the newscast. Give each group five minutes to cover its crimes and create a story (skit, drawing, computer-based presentation, etc.) for each crime. Allow each group to decide the level of creativity to use. Give each group the option of an additional minute to perform its own commercials during their segment of the newscast. Use the Group Evaluation Rubric, Peer Evaluation Rubric, and Presentation Rubric to assess the newscasts.

*Individualized Education Plan (IEP) for all special education students must be followed. Examples of accommodations may include, but are not limited to:***Accommodations for Learning Differences**For reinforcement, students will find articles in the newspaper or online about property crimes and determine which charge should be used and why. Use the Research Rubric for assessment. |
| **Lesson Closure** | Have students complete the open-note quiz. |
| **Summative/End of Lesson Assessment \***  | * + - Property Crimes Exam and Key
		- Property Crimes Quiz (Open Note) and Key
		- Discussion Rubric
		- Group Evaluation Rubric
		- Peer Evaluation Rubric
		- Presentation Rubric
		- Research Rubric
 |
| **References/Resources/****Teacher Preparation** | Texas Penal Code: <http://www.statutes.legis.state.tx.us/>Do an Internet search for the following:* Attempted burglary Alameda Surveillance Video
* Idiot of the Day: Stupid Criminal
* Big Red Burglary Duncanville
* Pump N Pantry - Smash N Grab the ATM video
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| **Additional Required Components** |
| **English Language Proficiency Standards (ELPS) Strategies** |  |
| **College and Career Readiness Connection[[1]](#footnote-1)** | II. Foundational SkillsC. Research across the curriculum1. Synthesize and organize information effectively.
2. Design and present an effective product.

8. Present final product. |
| **Recommended Strategies** |
| **Reading Strategies** |  |
| **Quotes** |  |
| **Multimedia/Visual Strategy****Presentation Slides + One Additional Technology Connection** |  |
| **Graphic Organizers/Handout** |  |
| **Writing Strategies****Journal Entries + 1 Additional Writing Strategy** |  |
| **Communication****90 Second Speech Topics** |  |
| **Other Essential Lesson Components** |
| **Enrichment Activity**(e.g., homework assignment) | For enrichment, students will research the financial effect property crimes have on society. Use the Research Rubric for assessment. |
| **Family/Community Connection** |  |
| **CTSO connection(s)** | SkillsUSA |
| **Service Learning Projects** |  |
| **Lesson Notes** |  |

1. Visit the Texas College and Career Readiness Standards at <http://www.thecb.state.tx.us/collegereadiness/CRS.pdf>, Texas Higher Education Coordinating Board (THECB), 2009. [↑](#footnote-ref-1)