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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** | Texas Penal Code: Kidnapping, Unlawful Restraint, and Smuggling of Persons |
| **TEKS Student Expectations** | **130.336. (c) Knowledge and Skills**(8) The student analyzes procedural and substantive criminal law. (A) The student is expected to define crime categories and respective punishments according to the Texas Penal Code.(B) The student is expected to 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) The student is expected to 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 students will be able to:* Discuss the elements of a kidnapping.
* Distinguish between kidnapping and aggravated kidnapping.
* Analyze infamous kidnapping cases.
* Evaluate what crimes apply to different cases.
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| **Rationale** | Police officers must respond to kidnapping calls. They must be able to distinguish the call as the crime of kidnapping to file the appropriate charges. |
| **Duration of Lesson** | 2 to 3 Hours |
| **Word Wall/Key Vocabulary***(ELPS c1a,c,f; c2b; c3a,b,d; c4c; c5b) PDAS II(5)* |  |
| **Materials/Specialized Equipment Needed** | * Computers with Internet Access
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| **Anticipatory Set**(May include pre-assessment for prior knowledge) | Use the following questions for a class discussion. What do you know about kidnapping? What are the chances of you being kidnapped and never returned? Is it the same as being a runaway? Use the Discussion Rubric for assessment. |
| **Direct Instruction \*** | 1. Texas Penal Code: Title 5. Offenses Against the Person. Chapter 20. KIDNAPPING, UNLAWFUL RESTRATIN, AND SMUGGLING OF PERSONS. Sec. 20.01. DEFINITIONS.
2. "Restrain" means to restrict a person's movements without consent, to interfere substantially with the person's liberty, by moving the person from one place to another or by confining the person. Restraint is "without consent" if it is accomplished by:
3. force, intimidation, or deception; or
4. any means, including acquiescence of the victim, if:
5. the victim is a child who is less than 14 years of age or an incompetent person and the parent, guardian, or person or institution acting in loco parentis has not acquiesced in the movement or confinement; or
6. the victim is a child who is 14 years of age or older and younger than 17 years of age, the victim is taken outside of the state and outside a 120-mile radius from the victim's residence, and the parent, guardian, or person or institution acting in loco parentis has not acquiesced in the movement.
7. "Abduct" means to restrain a person with intent to prevent his liberation by:
	* 1. secreting or holding him in a place where he is not likely to be found; or
		2. using or threatening to use deadly force.
8. "Relative" means a parent or stepparent, ancestor, sibling, or uncle or aunt, including an adoptive relative of the same degree through marriage or adoption.
9. "Person" means an individual, corporation, or association.
10. Notwithstanding Section 1.07, "individual" means a human being who has been born and is alive.
11. Sec. 20.02. UNLAWFUL RESTRAINT.
12. A person commits an offense if he intentionally or knowingly restrains another person.
13. It is an affirmative defense to prosecution under this section that:
	1. the person restrained was a child younger than 14 years of age;
	2. the actor was a relative of the child; and
	3. the actor's sole intent was to assume lawful control of the child.
14. An offense under this section is a Class A misdemeanor, except that the offense is:
	1. a state jail felony if the person restrained was a child younger than 17 years of age; or
	2. a felony of the third degree if:
		1. the actor recklessly exposes the victim to a substantial risk of serious bodily injury;
		2. the actor restrains an individual the actor knows is a public servant while the public servant is lawfully discharging an official duty or in retaliation or because an exercise of official power or performance of an official duty as a public servant; or
		3. the actor while in custody restrains any other person.
15. It is no offense to detain or move another under this section when it is for effecting a lawful arrest or detaining an individual lawfully arrested.
16. It is an affirmative defense to prosecution under this section that:
	1. the person restrained was a child who is 14 years of age or older and younger than 17 years of age;
	2. the actor does not restrain the child by force, intimidation, or deception; and
	3. the actor is not more than three years older than the child.
17. Sec. 20.03. KIDNAPPING.
18. A person commits an offense if he intentionally or knowingly abducts another person.
19. It is an affirmative defense to prosecution under this section that:
	1. the abduction was not coupled with intent to use or to threaten to use deadly force;
	2. the actor was a relative of the person abducted; and
	3. the actor's sole intent was to assume lawful control of the victim.
20. An offense under this section is a felony of the third degree.
21. Sec. 20.04. AGGRAVATED KIDNAPPING.
22. A person commits an offense if he intentionally or knowingly abducts another person with the intent to:
	1. hold him for ransom or reward;
	2. use him as a shield or hostage;
	3. facilitate the commission of a felony or the flight after the attempt or commission of a felony;
	4. inflict bodily injury on him or violate or abuse him sexually;
	5. terrorize him or a third person; or
	6. interfere with the performance of any governmental or political function.
23. A person commits an offense if the person intentionally or knowingly abducts another person and uses or exhibits a deadly weapon during the commission of the offense.
24. Except as provided by Subsection (d), an offense under this section is a felony of the first degree.
25. At the punishment stage of a trial, the defendant may raise the issue as to whether he voluntarily released the victim in a safe place. If the defendant proves the issue in the affirmative by a preponderance of the evidence, the offense is a felony of the second degree.
26. Sec. 20.05. SMUGGLING OF PERSONS.
27. A person commits an offense if the person intentionally uses a motor vehicle, aircraft, or watercraft to transport an individual with the intent to:
	1. conceal the individual from a peace officer or special investigator; or
	2. flee from a person the actor knows is a peace officer or special investigator attempting to lawfully arrest or detain the actor.
28. Except as provided by Subsection (c), an offense under this section is a state jail felony.
29. An offense under this section is a felony of the third degree if the actor commits the offense:
	1. for pecuniary benefit; or
	2. in a manner that creates a substantial likelihood that the transported individual will suffer serious bodily injury or death.
30. It is an affirmative defense to prosecution under this section that the actor is related to the transported individual within the second degree of consanguinity or, at the time of the offense, within the second degree of affinity.
31. If conduct constituting an offense under this section also constitutes an offense under another section of this code, the actor may be prosecuted under either section or under both sections.

*Individualized Education Plan (IEP) for all special education students must be followed. Examples of accommodations may include, but are not limited to:*None |
| **Guided Practice \*** | Have a class discussion about infamous kidnapping cases. The following links may be used:* <http://www.texasranger.org/history/cases.htm>
* <http://childfindofamerica.org/resources/facts-stats/>

Use the Discussion Rubric for assessment.*Individualized Education Plan (IEP) for all special education students must be followed. Examples of accommodations may include, but are not limited to:*None |
| **Independent Practice/Laboratory Experience/Differentiated Activities \*** | Have students complete the open-note quiz.*Individualized Education Plan (IEP) for all special education students must be followed. Examples of accommodations may include, but are not limited to:*None |
| **Lesson Closure** |  |
| **Summative/End of Lesson Assessment \***  | * Kidnapping, Unlawful Restraint, and Smuggling of Persons Exam and Key
* Kidnapping, Unlawful Restraint, and Smuggling of Persons Quiz (Open Note) and Key
* Discussion Rubric
* Presentation Rubric
* Research Rubric
* Writing Rubric

*Individualized Education Plan (IEP) for all special education students must be followed. Examples of accommodations may include, but are not limited to:*For reinforcement, students will find articles in the newspaper or online about crimes involving unlawful restraint, kidnapping, and aggravated kidnapping and determine which charge should be used and why. Use the Research Rubric for assessment. |
| **References/Resources/****Teacher Preparation** | Texas Penal Code: <http://www.statutes.legis.state.tx.us/?link=PE> <http://www.texasranger.org/history/cases.htm> <http://childfindofamerica.org/resources/facts-stats/>  |
| **Additional Required Components** |
| **English Language Proficiency Standards (ELPS) Strategies** |  |
| **College and Career Readiness Connection[[1]](#footnote-1)** |  |
| **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 history of the Amber Alert and Code Adam. 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)