

By: Perry

S.B. No. 1961

A BILL TO BE ENTITLED

AN ACT

relating to criminal liability for taking a weapon from a juvenile probation officer.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Article 17.03(b-3)(2), Code of Criminal Procedure, is amended to read as follows:

(2) "Offense involving violence" means an offense under the following provisions of the Penal Code:

(A) Section 19.02 (murder);

(B) Section 19.03 (capital murder);

(C) Section 20.03 (kidnapping);

(D) Section 20.04 (aggravated kidnapping);

(E) Section 20A.02 (trafficking of persons);

(F) Section 20A.03 (continuous trafficking of persons);

(G) Section 21.02 (continuous sexual abuse of young child or disabled individual);

(H) Section 21.11 (indecent with a child);

(I) Section 22.01(a)(1) (assault), if the offense is:

(i) punishable as a felony of the second degree under Subsection (b-2) of that section; or

(ii) punishable as a felony and involved family violence as defined by Section 71.004, Family Code;

- 1 (J) Section 22.011 (sexual assault);
- 2 (K) Section 22.02 (aggravated assault);
- 3 (L) Section 22.021 (aggravated sexual assault);
- 4 (M) Section 22.04 (injury to a child, elderly
- 5 individual, or disabled individual);
- 6 (N) Section 25.072 (repeated violation of
- 7 certain court orders or conditions of bond in family violence,
- 8 child abuse or neglect, sexual assault or abuse, indecent assault,
- 9 stalking, or trafficking case);
- 10 (O) Section 25.11 (continuous violence against
- 11 the family);
- 12 (P) Section 29.03 (aggravated robbery);
- 13 (Q) Section 38.14 (taking or attempting to take
- 14 weapon from certain individuals working in public safety [~~peace~~
- 15 ~~officer, federal special investigator, employee or official of~~
- 16 ~~correctional facility, parole officer, community supervision and~~
- 17 ~~corrections department officer, or commissioned security~~
- 18 ~~officer~~]);
- 19 (R) Section 43.04 (aggravated promotion of
- 20 prostitution), if the defendant is not alleged to have engaged in
- 21 conduct constituting an offense under Section 43.02(a);
- 22 (S) Section 43.05 (compelling prostitution); or
- 23 (T) Section 43.25 (sexual performance by a
- 24 child).

25 SECTION 2. The heading to Section 38.14, Penal Code, is

26 amended to read as follows:

27 Sec. 38.14. TAKING OR ATTEMPTING TO TAKE WEAPON FROM

1 CERTAIN INDIVIDUALS WORKING IN PUBLIC SAFETY [~~PEACE OFFICER,~~
2 ~~FEDERAL SPECIAL INVESTIGATOR, EMPLOYEE OR OFFICIAL OF CORRECTIONAL~~
3 ~~FACILITY, PAROLE OFFICER, COMMUNITY SUPERVISION AND CORRECTIONS~~
4 ~~DEPARTMENT OFFICER, OR COMMISSIONED SECURITY OFFICER~~].

5 SECTION 3. Sections 38.14(b), (c), and (d), Penal Code, are
6 amended to read as follows:

7 (b) A person commits an offense if the person intentionally
8 or knowingly and with force takes or attempts to take from a peace
9 officer, federal special investigator, employee or official of a
10 correctional facility, parole officer, community supervision and
11 corrections department officer, juvenile probation officer, or
12 commissioned security officer the officer's, investigator's,
13 employee's, or official's firearm, nightstick, stun gun, or
14 personal protection chemical dispensing device.

15 (c) The actor is presumed to have known that the peace
16 officer, federal special investigator, employee or official of a
17 correctional facility, parole officer, community supervision and
18 corrections department officer, juvenile probation officer, or
19 commissioned security officer was a peace officer, federal special
20 investigator, employee or official of a correctional facility,
21 parole officer, community supervision and corrections department
22 officer, juvenile probation officer, or commissioned security
23 officer if:

24 (1) the officer, investigator, employee, or official
25 was wearing a distinctive uniform or badge indicating his
26 employment; or

27 (2) the officer, investigator, employee, or official

1 identified himself as a peace officer, federal special
2 investigator, employee or official of a correctional facility,
3 parole officer, community supervision and corrections department
4 officer, juvenile probation officer, or commissioned security
5 officer.

6 (d) It is a defense to prosecution under this section that
7 the defendant took or attempted to take the weapon from a peace
8 officer, federal special investigator, employee or official of a
9 correctional facility, parole officer, community supervision and
10 corrections department officer, juvenile probation officer, or
11 commissioned security officer who was using force against the
12 defendant or another in excess of the amount of force permitted by
13 law.

14 SECTION 4. The change in law made by this Act applies only
15 to an offense committed on or after the effective date of this
16 Act. An offense committed before the effective date of this Act is
17 governed by the law in effect on the date the offense was committed,
18 and the former law is continued in effect for that purpose. For
19 purposes of this section, an offense was committed before the
20 effective date of this Act if any element of the offense occurred
21 before that date.

22 SECTION 5. This Act takes effect September 1, 2023.