

BILL ANALYSIS

C.S.H.B. 2304
By: Talton
Criminal Jurisprudence
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Currently, there is no provision protecting employees or officials of county or municipal correctional facilities from an inmate from taking or attempting to take weapons from that employee or official. C.S.H.B. 2304 seeks to protect employees or officials of correctional facilities operated by counties or municipalities by amending current statute to include them in the offense of taking or trying to take a weapon from a peace officer, parole officer, or community supervision and corrections department officer.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 2304 amends Section 38.14 of the Penal Code by adding an employee or official of a correctional facility that is operated by a county or municipality to the list of persons to whom this section applies. This section provides that a person commits an offense if the person intentionally or knowingly and with force takes or attempts to take from a peace officer, employee or official of a correctional facility that is operated by a county or municipality, parole officer, or community supervision and corrections department officer the officer's, employee's, or official's firearm, nightstick, stun gun, or personal protection chemical dispensing device with the intention of harming the officer, employee, or official or a third person. Makes conforming changes. Makes application of this Act prospective.

EFFECTIVE DATE

September 1, 2007.

COMPARISON OF ORIGINAL TO SUBSTITUTE

The substitute adds employee or official of correctional facility that is operated by a municipality to the list of persons to whom Section 38.14, Penal Code, applies. The substitute also adds municipality to the caption, and makes other conforming changes.