

By: Smith of Tarrant, Guillen, Fletcher,
et al.

H.B. No. 3147

A BILL TO BE ENTITLED

1 AN ACT

2 relating to taking or attempting to take a weapon from a
3 commissioned security officer.

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

5 SECTION 1. The heading to Section 38.14, Penal Code, is
6 amended to read as follows:

7 Sec. 38.14. TAKING OR ATTEMPTING TO TAKE WEAPON FROM PEACE
8 OFFICER, PAROLE OFFICER, [~~OR~~] COMMUNITY SUPERVISION AND
9 CORRECTIONS DEPARTMENT OFFICER, OR COMMISSIONED SECURITY OFFICER.

10 SECTION 2. Section 38.14(a), Penal Code, is amended by
11 adding Subdivision (3) to read as follows:

12 (3) "Commissioned security officer" has the meaning
13 assigned by Section 1702.002(5), Occupations Code.

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

16 (b) A person commits an offense if the person intentionally
17 or knowingly and with force takes or attempts to take from a peace
18 officer, parole officer, [~~or~~] community supervision and
19 corrections department officer, or commissioned security officer
20 the officer's firearm, nightstick, stun gun, or personal protection
21 chemical dispensing device with the intention of harming the
22 officer or a third person.

23 (c) The actor is presumed to have known that the peace
24 officer, parole officer, [~~or~~] community supervision and

1 corrections department officer, or commissioned security officer
2 was a peace officer, parole officer, [~~or~~] community supervision and
3 corrections department officer, or commissioned security officer
4 if:

5 (1) the officer was wearing a distinctive uniform or
6 badge indicating his employment; [~~or~~] or

7 (2) [~~if~~] the officer identified himself as a peace
8 officer, parole officer, [~~or~~] community supervision and
9 corrections department officer, or commissioned security officer.

10 (d) It is a defense to prosecution under this section that
11 the defendant took or attempted to take the weapon from a peace
12 officer, parole officer, [~~or~~] community supervision and
13 corrections department officer, or commissioned security officer
14 who was using force against the defendant or another in excess of
15 the amount of force permitted by law.

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

24 SECTION 5. This Act takes effect September 1, 2009.