

AN ACT

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

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

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

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

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

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

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

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

(c) The actor is presumed to have known that the peace 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.

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President of the Senate

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Speaker of the House

I certify that H.B. No. 3147 was passed by the House on April 28, 2009, by the following vote: Yeas 148, Nays 0, 1 present, not voting.

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Chief Clerk of the House

I certify that H.B. No. 3147 was passed by the Senate on May 26, 2009, by the following vote: Yeas 31, Nays 0.

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Secretary of the Senate

APPROVED: \_\_\_\_\_

Date

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Governor