

1-1 By: Smith of Tarrant, et al. H.B. No. 3147
1-2 (Senate Sponsor - Seliger)
1-3 (In the Senate - Received from the House April 29, 2009;
1-4 May 7, 2009, read first time and referred to Committee on Criminal
1-5 Justice; May 20, 2009, reported favorably by the following vote:
1-6 Yeas 6, Nays 0; May 20, 2009, sent to printer.)

1-7 A BILL TO BE ENTITLED
1-8 AN ACT

1-9 relating to taking or attempting to take a weapon from a
1-10 commissioned security officer.

1-11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-12 SECTION 1. The heading to Section 38.14, Penal Code, is
1-13 amended to read as follows:

1-14 Sec. 38.14. TAKING OR ATTEMPTING TO TAKE WEAPON FROM PEACE
1-15 OFFICER, PAROLE OFFICER, ~~[OR]~~ COMMUNITY SUPERVISION AND
1-16 CORRECTIONS DEPARTMENT OFFICER, OR COMMISSIONED SECURITY OFFICER.

1-17 SECTION 2. Section 38.14(a), Penal Code, is amended by
1-18 adding Subdivision (3) to read as follows:

1-19 (3) "Commissioned security officer" has the meaning
1-20 assigned by Section 1702.002(5), Occupations Code.

1-21 SECTION 3. Sections 38.14(b), (c), and (d), Penal Code, are
1-22 amended to read as follows:

1-23 (b) A person commits an offense if the person intentionally
1-24 or knowingly and with force takes or attempts to take from a peace
1-25 officer, parole officer, ~~[or]~~ community supervision and
1-26 corrections department officer, or commissioned security officer
1-27 the officer's firearm, nightstick, stun gun, or personal protection
1-28 chemical dispensing device with the intention of harming the
1-29 officer or a third person.

1-30 (c) The actor is presumed to have known that the peace
1-31 officer, parole officer, ~~[or]~~ community supervision and
1-32 corrections department officer, or commissioned security officer
1-33 was a peace officer, parole officer, ~~[or]~~ community supervision and
1-34 corrections department officer, or commissioned security officer
1-35 if:

1-36 (1) the officer was wearing a distinctive uniform or
1-37 badge indicating his employment; ~~[or]~~ or

1-38 (2) ~~[if]~~ the officer identified himself as a peace
1-39 officer, parole officer, ~~[or]~~ community supervision and
1-40 corrections department officer, or commissioned security officer.

1-41 (d) It is a defense to prosecution under this section that
1-42 the defendant took or attempted to take the weapon from a peace
1-43 officer, parole officer, ~~[or]~~ community supervision and
1-44 corrections department officer, or commissioned security officer
1-45 who was using force against the defendant or another in excess of
1-46 the amount of force permitted by law.

1-47 SECTION 4. The change in law made by this Act applies only
1-48 to an offense committed on or after the effective date of this Act.
1-49 An offense committed before the effective date of this Act is
1-50 governed by the law in effect at the time the offense was committed,
1-51 and the former law is continued in effect for that purpose. For
1-52 purposes of this section, an offense was committed before the
1-53 effective date of this Act if any element of the offense occurred
1-54 before that date.

1-55 SECTION 5. This Act takes effect September 1, 2009.

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