

- SUBJECT:** Taking or attempting to take weapons from commissioned security officers
- COMMITTEE:** Criminal Jurisprudence — favorable, without amendment
- VOTE:** 8 ayes — Gallego, Fletcher, Kent, Miklos, Moody, Pierson, Vaught, Vo  
0 nays  
3 absent — Christian, Hodge, Riddle
- WITNESSES:** For — Bob Burt, Associated Security Services and Investigators of the State of Texas; Alan Trevino, Associated Security Services and Investigators of the State of Texas; Jonathan Schnepf; (*Registered, but did not testify*, Gary Chandler, Texas DPS Officers Association; Keith Oakley, Associated Security Services and Investigators of the State of Texas; John Pike, DPS Officers Association; Jennifer Schnepf)  
  
Against — None
- BACKGROUND:** Penal Code sec. 38.14 makes it an offense to take or attempt to take a weapon from a peace officer, parole officer, or community supervision and corrections department (probation) officer. The offense is defined as intentionally or knowingly and with force taking or attempting to take the officer's firearm, nightstick, stun gun, or personal protection chemical dispensing device with the intention of harming the officer or a third person. A person is presumed to have known that a person was a peace officer or other person covered by the bill if the officer was wearing a distinctive uniform or badge or identified himself as a peace officer or parole or probation officer.  
  
Taking a weapon is a third-degree felony (two to 10 years in prison and an optional fine of up to \$10,000) and attempting to take a weapon is a state-jail felony (180 days to two years in a state jail and an optional fine of up to \$10,000).
- DIGEST:** HB 3147 would expand the offense of taking or attempting to take a weapon from a peace officer, parole officer, or community supervision and corrections department officer to include taking or attempting to take weapons from commissioned security officers.

The bill would take effect September 1, 2009, and would apply only to offenses committed on or after that date.

**SUPPORTERS  
SAY:**

HB 3147 would deter persons from taking weapons from private security officers and would punish appropriately those who do. While current law makes it a specific offense to take or attempt to take a weapon from a peace officer, the offense does not cover private security officers.

Many of the approximately 19,000 commissioned security officers in Texas are doing the same or similar jobs as peace officers. They are protecting people and property and are placed in harm's way. They must be trained, and fall under oversight of the Private Security Bureau of the Department of Public Safety. Currently, if their weapon is taken, it is only simple theft. This does not reflect the seriousness of taking a weapon from a person engaged in public safety.

**OPPONENTS  
SAY:**

HB 3147 would go too far by extending to private security officers the current crime of taking or attempting to take weapons from peace officers, parole officers, and probation officers. Current law properly restricts this offense to peace officers and other public servants working with offenders.

The Penal Code extends certain protections only to public servants, who often are held to a higher standard for their actions; HB 3147 would be a move away from this. Security officers are required to have only about 40 hours of training and many work in jobs that are not strictly related to public safety.

Current assault and aggravated assault statutes could be used to prosecute anyone who injured a private security officer while taking their weapon.

**NOTES:**

HB 1721 by Bohac, also on today's calendar, would expand the offense of taking or attempting to take weapons from peace officers, parole officers, or probation officers to include taking or attempting to take weapons from employees or officials of correctional facilities operated by counties or cities.