

BILL ANALYSIS

Senate Research Center
81R10302 HLT-D

H.B. 3147
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Criminal Justice
5/17/2009
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Private security officers commissioned under the Private Security Act and regulated by the Department of Public Safety of the State of Texas protect public and private interests throughout Texas. Recently, the number of attacks against security officers involving the taking of the officer's weapons has increased. Several officers have been beaten or shot with their own weapons, and many more have been overpowered and had their weapons stolen. Currently, the only available penalty for this offense is punishment for theft.

H.B. 3147 amends current law relating to taking or attempting to take a weapon from a commissioned security officer.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends the heading to Section 38.14, Penal Code, to read as follows:

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

SECTION 2. Amends Section 38.14(a), Penal Code, to define "commissioned security officer."

SECTION 3. Amends Sections 38.14(b), (c), and (d), Penal Code, as follows:

(b) 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, parole officer, community supervision and corrections 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) Provides that the actor is presumed to have known that the peace officer, parole officer, community supervision and corrections department officer, or commissioned security officer was a peace officer, parole officer, community supervision and corrections department officer, or commissioned security officer under certain conditions.

(d) Provides that it is a defense to prosecution under this section that the defendant took or attempted to take the weapon from a peace officer, parole officer, community supervision and corrections department officer, or commissioned security officer who was using force against the defendant or another in excess of the amount of force permitted by law.

SECTION 4. Makes application of this Act prospective.

SECTION 5. Effective date: September 1, 2009.