

- SUBJECT:** Taking weapons from local correctional facilities officials or employees
- COMMITTEE:** Criminal Jurisprudence — favorable, without amendment
- VOTE:** 10 ayes — Gallego, Christian, Fletcher, Kent, Miklos, Moody, Pierson, Riddle, Vaught, Vo
- 0 nays
- 1 absent — Hodge
- WITNESSES:** For — Chris Jones, Combined Law Enforcement Associations of Texas (CLEAT)
- Against — None
- BACKGROUND:** Penal Code sec. 38.14 makes it a crime 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 1721 would expand the offense of taking or attempting to take a weapon 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.
- The bill would take effect September 1, 2009, and would apply only to offenses committed on or after that date.

**SUPPORTERS
SAY:**

HB 1721 is needed to correct an oversight that has left city and county correctional employees outside of the protections offered by the offense of taking a weapon from certain officers, which currently applies to peace officers, parole officers, and probation officers. HB 1721 would be a natural, common-sense extension of the current law that provides this protection to other public servants working with offenders. Local correctional facility employees and officials also fall into this category. HB 1721 would help deter people from taking weapons from local correctional officers and appropriately punish those who do.

**OPPONENTS
SAY:**

No apparent opposition.

NOTES:

A related bill, HB 3147 by T. Smith, also on today's calendar, would expand the offense of taking or attempting to take a weapon from a peace officer, parole officer, or probation officer to include taking or attempting to take weapons from commissioned security officers.