

SUBJECT: Removing intent to harm requirement in crime of taking officer's weapon

COMMITTEE: Criminal Jurisprudence — favorable, without amendment

VOTE: 6 ayes — Collier, Zedler, K. Bell, J. González, Murr, Pacheco
0 nays
3 absent — Hunter, P. King, Moody

SENATE VOTE: On final passage, May 3 — 31-0, on Local and Uncontested calendar

WITNESSES: No public hearing

BACKGROUND: Under Penal Code sec. 38.14, it is a crime for a person to intentionally or knowingly and with force take or attempt to take a firearm, nightstick, stun gun, or personal protection chemical dispensing device from a peace officer, federal special investigator, employee or official of a correctional facility, parole officer, community supervision and corrections department officer, or commissioned security officer with the intention of harming the officer, investigator, employee, or official or a third person.

The offense is a third-degree felony (two to 10 years in prison and an optional fine of up to \$10,000) if the weapon was taken or a state-jail felony (180 days to two years in a state jail and an optional fine of up to \$10,000) if the offense involved an attempt to take a weapon.

DIGEST: SB 1754 would remove the requirement that there be intent to harm during commission of the offense of taking or attempting to take a weapon from a peace officer, investigator, or other specified person.

The bill would take effect September 1, 2019, and would apply to offenses committed on or after that date.