(4) facsimile transmission; or
(5) on-line electronic transmission[or
(6) posting on the electronic commerce network].

SECTION 3.06. Section 81.057, Natural Resources Code, is amended to read as follows:
Sec. 81.057. EXEMPTION FROM CERTAIN PURCHASING RULES. The commission
is not required to follow any purchasing procedures prescribed by or under Subchapter E,
Chapter 2155, Government Code, [the following laws] when the commission makes a purchase
in connection with the remediation of surface locations or well plugging[;
[(1) Subchapter E, Chapter 2155, Government Code; and
(2) Subchapters B and C, Chapter 2177, Government Code].

SECTION 3.07. The following provisions are repealed:
(1) Section 2155.508(c), Government Code; and
(2) Section 271.083(c), Local Government Code.

ARTICLE 4. EFFECTIVE DATE

SECTION 4.01. This Act takes effect September 1, 2009.
Passed by the House on April 22, 2009: Yeas 149, Nays 0, 1 present, not voting; passed
by the Senate on May 21, 2009: Yeas 31, Nays 0.
Approved June 19, 2009.
Effective September 1, 2009.

CHAPTER 394

H.B. No. 1721

AN ACT
relating to taking or attempting to take a weapon from an employee or official of a correctional facility.

Be it enacted by the Legislature of the State of Texas:

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

Sec. 38.14. TAKING OR ATTEMPTING TO TAKE WEAPON FROM PEACE OFFICER,
EMPLOYEE OR OFFICIAL OF CORRECTIONAL FACILITY, PAROLE OFFICER,
OR COMMUNITY SUPERVISION AND CORRECTIONS DEPARTMENT OFFICER.

SECTION 2. Sections 38.14(b), (c), (d), and (e), Penal Code, are amended to read as follows:

(b) A person commits an offense if the person intentionally or knowingly and with force
takes or attempts to take from a peace officer, employee or official of a correctional facility,
parole officer, or community supervision and corrections department officer the officer's,
employee's, or official's firearm, nightstick, stun gun, or personal protection chemical dispens-
ing device with the intention of harming the officer, employee, or official or a third person.

(c) The actor is presumed to have known that the peace officer, employee or official of a correctional facility, parole officer, or community supervision and corrections department officer was a peace officer, employee or official of a correctional facility, parole officer, or community supervision and corrections department officer if:

(1) the officer, employee, or official was wearing a distinctive uniform or badge indicating his employment[,] or

(2) if the officer, employee, or official identified himself as a peace officer, employee or official of a correctional facility, parole officer, or community supervision and corrections department officer.
(d) It is a defense to prosecution under this section that the defendant took or attempted to take the weapon from a peace officer, employee or official of a correctional facility, parole officer, or community supervision and corrections department officer who was using force against the defendant or another in excess of the amount of force permitted by law.

(e) An offense under this section is:

(1) a felony of the third degree, if the defendant took a weapon described by Subsection (b) from an officer, employee, or official described by that subsection; [Subsection (b)] and

(2) [is] a state jail felony, if the defendant attempted to take a [the] weapon described by Subsection (b) from an [the] officer, employee, or official described by that subsection.

SECTION 3. The change in law made by this Act applies only to an offense committed on or after the effective date of this Act. An offense committed before the effective date of this Act is governed by the law in effect at the time the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before the effective date of this Act if any element of the offense occurred before that date.

SECTION 4. This Act takes effect September 1, 2009.

Passed by the House on April 28, 2009: Yeas 144, Nays 0, 1 present, not voting; passed by the Senate on May 21, 2009: Yeas 31, Nays 0.

Approved June 19, 2009.
Effective September 1, 2009.

CHAPTER 395

H.B. No. 1728

AN ACT

relating to the authority of the inspector general of the Texas Department of Criminal Justice to issue administrative subpoenas for certain communications records.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Chapter 493, Government Code, is amended by adding Section 493.0191 to read as follows:

Sec. 493.0191. ADMINISTRATIVE SUBPOENAS. (a) The inspector general may issue an administrative subpoena to a communications common carrier or an electronic communications service provider to compel the production of the carrier's or service provider's business records that:

(1) disclose information about:

(A) the carrier's or service provider's customers; or

(B) users of the services offered by the carrier or service provider; and

(2) are material to a criminal investigation of an escape or a potential escape or a violation of Section 38.11, Penal Code.

(b) In this section:

(1) "Communications common carrier" means a person that:

(A) for a fee, provides directly to the public or to certain members of the public the ability to transmit between or among points specified by the person who uses that ability, regardless of the technology used, information of the person's choosing without change in the form or content of the information transmitted; or

(B) a provider that bills customers for services described by Paragraph (A).

(2) "Electronic communications service provider" means a service provider that provides to users of the service the ability to send or receive wire or electronic communications, as those terms are defined by Article 18.20, Code of Criminal Procedure.

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