(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;

(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 communica-
tions 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 pro-
vides to users of the service the ability to send or receive wire or electronic communica-
tions, as those terms are defined by Article 18.20, Code of Criminal Procedure.
SECTION 2. This Act takes effect September 1, 2009.
Passed by the House on April 24, 2009: Yeas 139, 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 396
H.B. No. 1740
AN ACT relating to the authorization of physicians and therapeutic optometrists to dispense therapeutic contact lenses.

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

SECTION 1. Section 551.003, Occupations Code, is amended by adding Subdivision (42-a) to read as follows:

(42-a) "Therapeutic contact lens" means a contact lens that contains one or more drugs and that delivers the drugs into the wearer's eye.

SECTION 2. Section 551.004, Occupations Code, is amended by adding Subsection (e) to read as follows:

(e) This subtitle does not prevent a physician or therapeutic optometrist from dispensing and charging for therapeutic contact lenses. This subsection does not authorize a therapeutic optometrist to prescribe, administer, or dispense a drug that is otherwise outside the therapeutic optometrist's scope of practice.

SECTION 3. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2009.

Passed by the House on April 21, 2009: Yeas 140, Nays 1, 2 present, not voting; passed by the Senate on May 21, 2009: Yeas 31, Nays 0.
Approved June 19, 2009.

CHAPTER 397
H.B. No. 1749
AN ACT relating to the issuance of marine conservation specialty license plates.

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

SECTION 1. Subchapter G, Chapter 504, Transportation Code, is amended by adding Section 504.660 to read as follows:

Sec. 504.660. MARINE CONSERVATION LICENSE PLATES. (a) After deduction of the department's administrative costs in accordance with Section 504.801, the remainder of the fees allocated under Section 504.801(e)(2)(A) from the sale of Marine Conservation plates shall be deposited to the credit of an account in the state treasury to be used by the Texas Parks and Wildlife Department to support the activities of Coastal Conservation Association Texas in the conservation of marine resources.

(b) The Texas Parks and Wildlife Department shall establish reporting and other mechanisms necessary to ensure that the money is spent for the purpose for which it is dedicated.