

BILL ANALYSIS

Senate Research Center
77R14111 GWK-D

C.S.H.B. 1600
By: Jones, Elizabeth (Van de Putte)
Criminal Justice
4-26-2001
Committee Report (Substituted)

DIGEST AND PURPOSE

On February 3, 2001, John Anthony "Rocky" Riojas, an eleven-year veteran of the San Antonio Police Department, was fatally shot with his own gun while scuffling with a man at an apartment complex. Under current law, the penalty for an offense of taking or attempting to take a weapon away from a peace officer, parole officer, or community supervision and corrections department officer is a state jail felony. C.S.H.B. 1600, filed in honor of John Anthony "Rocky" Riojas, increases the penalty for such an offense to a felony of the third degree.

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 Section 38.14(e), Penal Code, to provide that an offense under this section is a third degree felony if the defendant took a weapon described by Subsection (b) from an officer described by Subsection (b) and is a state jail felony if the defendant attempted to take the weapon from the officer.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 2001.

SUMMARY OF COMMITTEE CHANGES

Differs from As Filed version in SECTION 1 by adding text to more clearly explain a third degree felony under this section, and reinserting a state jail felony that was previously deleted from the As Filed version.