

REPRESENTATIVE SIMPSON

1 Amend H.B. No. 41 (house committee printing) as follows:

2 (1) On page 1, line 8, strike "and (c-3)" and substitute
3 "(c-3), (c-4), and (c-5)".

4 (2) On page 2, line 2, between "a" and "search", insert
5 "constitutionally unreasonable".

6 (3) On page 2, line 5, strike the colon and substitute ",
7 and in violation of the United States Constitution,".

8 (4) On page 2, line 6, strike "(i)".

9 (5) On page 2, line 8, strike "; or" and substitute "."

10 (6) On page 2, strike lines 9-11.

11 (7) On page 3, lines 3 and 4, strike "with an explicit and
12 applicable grant of federal statutory authority that is
13 consistent".

14 (8) On page 3, between lines 16 and 17, insert the
15 following:

16 (c-4) It is a defense to prosecution for a person described
17 by Subsection (c-1)(1) or (2) that a reasonable person in the
18 defendant's position would have believed the defendant's conduct
19 to be lawful.

20 (c-5) This section shall be construed, as a matter of state
21 law, to be enforceable up to but no further than the maximum
22 possible extent consistent with federal constitutional
23 requirements, even if that construction is not readily apparent,
24 as such constructions are authorized only to the extent
25 necessary to save the section from judicial invalidation. If any
26 court determines that a provision of this section is
27 unconstitutionally vague, the court shall interpret the
28 provision, as a matter of state law, to avoid the vagueness
29 issue and shall enforce the provision to the maximum possible
30 extent.

1 (9) On page 4, strike lines 12-17.

2 (10) On page 4, line 18, strike "SECTION 4" and substitute

3 "SECTION 3".