

BILL ANALYSIS

C.S.H.B. 582
By: Reyna
Law Enforcement
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Under current law, persons other than law enforcement are able to purchase stun guns, the shock of which can temporarily paralyze the recipient. While stun guns are an invaluable tool to law enforcement officers, they may also be used by an attacker during an assault.

C.S.H.B. 582 addresses this issue by amending the Penal Code to make it an offense to for a person to forcefully take or attempt to take an officer's stun gun from a peace officer, parole officer or community supervision and corrections department officer.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 582 amends Section 38.14 of the Penal Code to define a stun gun as a device designed to propel darts or other projectiles attached to wires that, on contact, will deliver an electrical pulse capable of incapacitating a person.

C.S.H.B. 582 further amends Section 38.14 to provide that a person commits an offense if the person intentionally or knowingly and with force takes or attempts to take an officer's stun gun from a peace officer, parole officer, or community supervision and corrections department officer with the intention of harming the officer or a third person.

The bill provides that the change in law made by this Act applies prospectively.

EFFECTIVE DATE

September 1, 2005

COMPARISON OF ORIGINAL TO SUBSTITUTE

The original bill amends Section 46.01, Penal Code, to define a stun gun as a device that is intended, designed, made, or adapted to immobilize a person by inflicting an electrical charge. The substitute does not amend Section 46.01.

The substitute amends Section 38.14 of the Penal Code to define a stun gun as a device designed to propel darts or other projectiles attached to wires that, on contact, will deliver an electrical pulse capable of incapacitating a person. The original does not amend Section 38.14.

The original bill amends Section 46.05, Penal Code, to provide that a person commits an offense under that section if he intentionally or knowingly possesses, manufactures, transports, repairs, or sells a stun gun. The substitute does not amend Section 46.05.

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The substitute amends Section 38.14, Penal Code, to provide that a person commits an offense if the person intentionally or knowingly and with force takes or attempts to take an officer's stun gun from a peace officer, parole officer, or community supervision and corrections department officer with the intention of harming the officer or a third person. The original does not amend Section 38.14.

The substitute provides that the change in law made by this Act applies prospectively. The original bill does not so provide.