

## **BILL ANALYSIS**

C.S.H.B. 442  
By: Phillips  
Law Enforcement  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Currently, Section 38 of the Penal Code states that a person commits an offense if the person intentionally or knowingly, with force, takes or attempts to take an officer's firearm, nightstick, stun gun, or personal protection chemical dispensing device from a peace officer, parole officer, or community supervisions and corrections department officer with the intention of harming the officer or a third person.

C.S.H.B. 442, as proposed, amends Section 38.14 of the Penal Code to better define "stun gun."

### **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. 442 amends Section 38.14(a)(2), Penal Code, to define "stun gun" as an electronic device that emits an electrical charge and is designed and primarily employed to incapacitate a person or animal through either direct contact with electrodes on the device; a projection of wired probes attached to the device; or a spark, stream of plasma, ionized gas, or another conductive stream emitting from the device.

### **EFFECTIVE DATE**

September 1, 2007.

### **COMPARISON OF ORIGINAL TO SUBSTITUTE**

The substitute differs from the original in that it more specifically defines what is considered to be a stun gun.