

By: West

S.B. No. 1239

A BILL TO BE ENTITLED

AN ACT

1
2 relating to a prohibition against the use of certain sprays, stun
3 guns, and tasers by school district peace officers, security
4 personnel, and other employees against public school students.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. Subchapter C, Chapter 37, Education Code, is
7 amended by adding Section 37.0814 to read as follows:

8 Sec. 37.0814. USE OF OC SPRAY, STUN GUN, OR TASER AGAINST
9 STUDENTS PROHIBITED. (a) In this section:

10 (1) "OC spray" means any aerosol-propelled
11 debilitation device that is composed of a lachrymatory chemical
12 compound that irritates the eyes to cause tears, pain, or temporary
13 blindness. The term includes pepper spray, capsicum spray, OC gas,
14 and oleoresin capsicum.

15 (2) "Stun gun" has the meaning assigned by Section
16 38.14, Penal Code.

17 (3) "Taser" means a device that is intended, designed,
18 made, or adapted to incapacitate a person by inflicting an
19 electrical charge through the emission of a projectile or
20 conductive stream.

21 (b) The board of trustees of a school district shall
22 prohibit school district peace officers, security personnel, and
23 other employees from using OC spray or a stun gun or taser to subdue
24 a student on school property or while attending a school-sponsored

1 or school-related activity off of school property.

2 SECTION 2. This Act takes effect immediately if it receives
3 a vote of two-thirds of all the members elected to each house, as
4 provided by Section 39, Article III, Texas Constitution. If this
5 Act does not receive the vote necessary for immediate effect, this
6 Act takes effect September 1, 2011.