

## **BILL ANALYSIS**

H.B. 1159  
By: Raymond  
Criminal Jurisprudence  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

Interested parties assert that certain types of disciplinary tactics, such as using a Taser on a child for misbehaving, are unwarranted and should not be tolerated in Texas. H.B. 1159 seeks to address these concerns.

### **CRIMINAL JUSTICE IMPACT**

It is the committee's opinion that this bill expressly does one or more of the following: creates a criminal offense, increases the punishment for an existing criminal offense or category of offenses, or changes the eligibility of a person for community supervision, parole, or mandatory supervision.

### **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**

H.B. 1159 amends the Penal Code to create the Class A misdemeanor offense of unlawful discipline of a child for a person who subdues a child for disciplinary purposes by using a stun gun, Taser, handcuffs, or zip ties on the child. The bill makes the defenses to prosecution provided under statutory provisions excluding special relationships from criminal responsibility unavailable to a defendant under the bill's provisions if the child was younger than 13 years of age at the time of the offense. The bill establishes that if conduct constituting unlawful discipline of a child also constitutes another Penal Code offense, the actor may be prosecuted for either or both offenses.

### **EFFECTIVE DATE**

September 1, 2015.