

By: Raymond

H.B. No. 1159

A BILL TO BE ENTITLED

AN ACT

relating to the use of certain disciplinary actions against a child; providing a criminal penalty.

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

SECTION 1. Chapter 22, Penal Code, is amended by adding Section 22.042 to read as follows:

Sec. 22.042. UNLAWFUL DISCIPLINE OF A CHILD. (a) In this section:

(1) "Child" means a person younger than 18 years of age.

(2) "Stun gun" has the meaning assigned by Section 38.14.

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

(4) "Zip tie" means a plastic strip that can be threaded through its end and tightened.

(b) A person commits an offense if the person subdues a child for disciplinary purposes by using a stun gun, a taser, handcuffs, or zip ties on the child.

(c) An offense under this section is a Class A misdemeanor.

(d) The defenses to prosecution provided under Subchapter F, Chapter 9, are not available to a defendant under this section if

1 the child was younger than 13 years of age at the time of the
2 offense.

3 (e) If conduct constituting an offense under this section
4 also constitutes an offense under another section of this code, the
5 actor may be prosecuted under either section or both sections.

6 SECTION 2. This Act takes effect September 1, 2015.