

A BILL TO BE ENTITLED

AN ACT

relating to restrictions on the use of certain sprays, stun guns, and Tasers against public school students.

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

SECTION 1. Subchapter C, Chapter 37, Education Code, is amended by adding Section 37.0813 to read as follows:

Sec. 37.0813. RESTRICTIONS ON USE OF OC SPRAY, STUN GUN, OR TASER AGAINST STUDENTS. (a) In this section:

(1) "OC spray" means any aerosol-propelled debilitation device that is composed of a lachrymatory chemical compound that irritates the eyes to cause tears, pain, or temporary blindness. The term includes pepper spray, capsicum spray, OC gas, and oleoresin capsicum. The term also includes a device that delivers the specified chemical compound in a foam or gel form.

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

(3) "Taser" means a device manufactured, sold, or distributed by Taser International, Incorporated, 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. The term, for purposes of this section, includes a similar device manufactured, sold, or distributed by another person.

(b) The use of OC spray, a Taser, or a stun gun to subdue one

1 or more students on school property or while attending a
2 school-sponsored or school-related activity off of school property
3 is permitted only in accordance with this section.

4 (c) OC spray, a Taser, or a stun gun may be used as permitted
5 by this section only after other methods of intervention with less
6 potential for harm have been used unsuccessfully, including verbal
7 commands and reasonable physical force.

8 (d) OC spray may be used only during a riot or when three or
9 more students pose an imminent risk of causing bodily injury to
10 another student, a peace officer, or other person.

11 (e) A Taser or stun gun may be used only to prevent loss of
12 life or subdue a student who possesses a weapon.

13 (f) OC spray, a Taser, or a stun gun may not be used as a form
14 of punishment or to protect property.

15 (g) To the greatest extent feasible in circumstances in
16 which the use of OC spray is permitted under this section, a foam or
17 gel form of OC spray shall be used to lessen the risk of unintended
18 exposure of other students and persons to the OC spray.

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