

By: Hinojosa

S.B. No. 625

A BILL TO BE ENTITLED

AN ACT

relating to a prohibition against 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 37.0814 to read as follows:

Sec. 37.0814. USE OF OC SPRAY, STUN GUN, OR TASER AGAINST STUDENTS PROHIBITED. (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.

(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) Except as provided by Subsection (c), the use by school district peace officers, security personnel, and other employees

1 and peace officers of OC spray or a stun gun or Taser to subdue a  
2 student on school property or while attending a school-sponsored or  
3 school-related activity off of school property is prohibited.

4 (c) Subsection (b) does not prohibit a person from using OC  
5 spray or a stun gun or Taser to subdue a student who possesses a  
6 weapon if the person sees the weapon and believes the student poses  
7 an imminent risk of causing bodily injury to another student, a  
8 peace officer, a school employee, or other person. A presumption  
9 that a student possesses a weapon is not sufficient for purposes of  
10 this subsection.

11 SECTION 2. This Act takes effect immediately if it receives  
12 a vote of two-thirds of all the members elected to each house, as  
13 provided by Section 39, Article III, Texas Constitution. If this  
14 Act does not receive the vote necessary for immediate effect, this  
15 Act takes effect September 1, 2015.