

BILL ANALYSIS

C.S.H.B. 3669

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Homeland Security, Public Safety & Veterans' Affairs
Committee Report (Substituted)

BACKGROUND AND PURPOSE

The bill author has informed the committee that, as law enforcement officers' and civilians' use of less-lethal weapons becomes increasingly common, there is a need to ensure that a person using these weapons is not unintentionally subjected to statutory provisions governing criminal offenses involving weapons. The bill author has also informed the committee that the current definition of "firearm" used for purposes of those provisions may be interpreted too broadly, which can create legal uncertainty and result in the wrongful prosecution of individuals possessing certain less-lethal devices. C.S.H.B. 3669 seeks to address this issue and modernize state law by excluding a stun gun from the definition of "firearm" for purposes of statutory provisions governing offenses involving weapons.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change 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

C.S.H.B. 3669 amends the Penal Code to exclude a stun gun from the definition of "firearm," for purposes of statutory provisions governing offenses involving weapons. For those purposes, "stun gun" is defined as a device designed to propel darts or other projectiles attached to wires that, on contact, will deliver an electrical pulse capable of incapacitating a person.

C.S.H.B. 3669 applies only to an offense committed on or after the bill's effective date. An offense committed before the bill's effective date is governed by the law in effect on the date the offense was committed, and the former law is continued in effect for that purpose. For these purposes, an offense was committed before the bill's effective date if any element of the offense occurred before that date.

EFFECTIVE DATE

September 1, 2025.

COMPARISON OF INTRODUCED AND SUBSTITUTE

While C.S.H.B. 3669 may differ from the introduced in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

Both the introduced and the substitute provide for an exclusion from the definition of "firearm" for purposes of statutory provisions governing offenses involving weapons. However, whereas the introduced excluded a less-lethal projectile device from the definition, the substitute excludes a stun gun from the definition. Accordingly, the substitute omits the introduced version's definition of "less-lethal projective device."