

By: Stickland

H.B. No. 1299

A BILL TO BE ENTITLED

AN ACT

relating to municipal regulation of electric stun guns, knives, and personal defense sprays.

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

SECTION 1. The heading to Subchapter A, Chapter 229, Local Government Code, is amended to read as follows:

SUBCHAPTER A. REGULATION OF WEAPONS [~~FIREARMS~~] AND EXPLOSIVES

SECTION 2. Subchapter A, Chapter 229, Local Government Code, is amended by adding Section 229.005 to read as follows:

Sec. 229.005. ELECTRIC STUN GUNS; KNIVES; PERSONAL DEFENSE SPRAYS. (a) In this section:

(1) "Electric stun gun" means a device that is:

(A) sold commercially for personal protection;

and

(B) designed, made, or adapted for the purpose of emitting an electrical charge or current intended to temporarily disable a person.

(2) "Knife" has the meaning assigned by Section 46.01, Penal Code.

(3) "Personal defense spray" means a small chemical dispenser that is:

(A) sold commercially for personal protection;

and

(B) designed, made, or adapted for the purpose of

1 dispensing a substance capable of causing an adverse psychological
2 or physiological effect on a human being.

3 (b) Notwithstanding any other law, a municipality may not
4 adopt or enforce an ordinance or other regulation relating to the
5 private ownership, keeping, carrying, transportation, licensing,
6 or registration of an electric stun gun, a knife, or a personal
7 defense spray.

8 (c) Subsection (b) does not affect the authority of a
9 municipality to:

10 (1) enforce Sections 46.02, 46.03, and 46.05, Penal
11 Code; or

12 (2) adopt or enforce an ordinance or other regulation
13 prohibiting a person, for purposes of entering a restricted area,
14 from carrying an electric stun gun, a knife, or a personal defense
15 spray past a metal detector or magnetometer used to screen for
16 weapons.

17 SECTION 3. This Act takes effect September 1, 2013.