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FISCAL IMPACT REPORT

SPONSOR SRC DATE TYPED 3/10/05 HB

SHORT TITLE Stun Gun Possession SB 1092/SRCS

(Public Peace, Health, Safety and Welfare) ANALYST Medina

APPROPRIATION

Appropriation Contained		Estimated Additional Impact		Recurring or Non-Rec	Fund Affected
FY05	FY06	FY05	FY06		
	NFI				

(Parenthesis () Indicate Expenditure Decreases)

Relates to SB 818

SOURCES OF INFORMATION

- LFC Files
- Administrative Office of the District Attorneys (AODA)
- Administrative Office of the Courts (AOC)

Responses Not Received From

- Attorney General (AG)
- Department of Public Safety (DPS)
- Corrections Department (CD)

SUMMARY

Synopsis of Bill

Senate Rules Committee Substitute for Senate Bill 1092 amends the Criminal Code to make the possession or sale of a stun gun a criminal fourth degree felony offense. The bill provides exceptions for manufacturers, law enforcement officers, certain Corrections Department employees, certain local corrections officers, probation officers, court officers, licensed private investigators, and certain aircraft pilots and aircraft crew members.

The bill defines a stun gun as any electroshock device capable of projecting or administering an electric shock that can temporarily stun or incapacitate another person.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

Senate Bill 818 also defines a stun gun as electroshock device capable of projecting or administering an electric shock that can temporarily stun or incapacitate a person. According to the AODA, stun guns would become deadly weapons for the purposes of prosecutions and penalties under those sections dealing with the use of deadly weapons to commit a crime(s). This would also include Section 30-7-1 through Section 30-7-22 that deal with weapons and explosives.

TECHNICAL ISSUES

This bill authorizes possession of a stun gun by a “court officer”, but does not provide a definition for a court officer. AOC contends that clarification of who court officers are is necessary.

DXM/sb:yr