

Stun Guns Laws and Restrictions

STATES WHERE STUN GUNS ARE RESTRICTED:

ILLINOIS
HAWAII
MASSACHUSETTS
MICHIGAN
NEW JERSEY
NEW YORK
RHODE ISLAND
WISCONSIN

CITIES WHERE STUN GUNS ARE RESTRICTED:

ANNAPOLIS, MD
BALTIMORE, MD
BALTIMORE COUNTY, MD
CHICAGO, IL
DENSON / CRAWFORD COUNTY, IA (*According to Sheriff Tom Hogan*)
DISTRICT OF COLUMBIA
PHILADELPHIA

COUNTRIES THAT STUN GUNS ARE RESTRICTED:

AUSTRALIA
BELGIUM
CANADA
DENMARK
HONG KONG
INDIA (POLICE USE ONLY)
ITALY
JAPAN
NEW ZEALAND
NORWAY
SWEDEN
SWITZERLAND
UNITED KINGDOM

PENAL CODES AFFECTING AIR TASER, STUN GUNS & STUN BATONS.

STATE RESTRICTIONS:

DISTRICT OF COLUMBIA: Illegal

District of Columbia Law. DC Code Ann. Title 6, Chapter 23. Firearms Control. Subchapter I. General Provisions 6-2302.

(7) "Destructive device" means:

(B) "Any device by whatever name known which will, or is designed, or may be readily converted or restored, to expel a projectile by the action of an explosive or other propellant through a smooth bore barrel, except a shotgun."

(D) Any device designed or redesigned, made or remade, or readily converted or restored, and intended to stun or disable a person by means of electric shock.

Subchapter II. Firearms and Destructive Devices. General Provision 6-2311. Registration requirements:

(a) Except as otherwise provided in this chapter, no person or organization in the District of Columbia ("District") shall receive, possess, control, transfer, offer for sale, sell, give, or deliver any destructive device, and no person or organization in the District shall possess or control any firearm, unless that person or organization holds a valid registration certificate for the firearm.

Subchapter V. Sales and Transfer of Firearms, Destructive Devices, and Ammunition. General Provision 6-2351. Sales and transfers prohibited. No person or organization shall sell, transfer or otherwise dispose of any firearm, destructive device or ammunition in the District except as provided in *** 6-2352, or 6-2375.

SUMMARY: Possession and sales of Stunning Devices are banned in Washington, DC.

ILLINOIS: Restricted

1. In order to possess a Taser or stun gun, an individual must have a valid FOID card, as is currently required for firearms.
2. Sellers of Taser or stun guns must check the buyers FOID card and keep the record of sale for ten years, the same requirements for firearms sales.
3. When a licensed firearms dealer sells a Taser or stun gun, they must request a background check of the buyer.
4. The 24-hour waiting period required for long guns, shotguns, and rifles, will also apply to taser and stun gun purchases.

HAWAII: Illegal

Hawaii State Law. Rev. Stats. Title 10, Chapter 134. Firearms, Ammunition and Dangerous Weapons. Part 1. General Regulations. Chapter 134-1 Definitions.

"Electric gun" means any portable device that is electrically operated to project a missile or electromotive force.

Chapter 134-16 Restriction on possession, sale, gift or delivery of electric guns.

(a) It shall be unlawful for any person, including a licensed manufacturer, licensed importer or licensed dealer, to possess, offer for sale, hold for sale, sell, give, lend or deliver any electric gun.

(b) Any electric gun in violation of subsection (a) shall be confiscated and disposed of by the chief of police.

SUMMARY: Possession and sales of Stunning Devices are banned in Hawaii.

MASSACHUSETTS: Illegal

Massachusetts State Law. Ann. Laws of Massachusetts. Chapter 140. Sale of Firearms. Section 131J: Sale or possession of electrical weapons; penalties. Section 131J. No person shall sell, offer for sale or possess a portable device or weapon from which an electric current, impulse, wave or beam may be directed, which current, impulse, wave or beam is designed to incapacitate temporarily, injure or kill. Whoever violates this provision of this section shall be punished by a fine of not less than five hundred nor more than one thousand dollars or by imprisonment for not less than six months nor more than two years in a jail or house of correction, or both.

SUMMARY: Possession and sales of Stunning Devices are banned in Massachusetts.

MICHIGAN: Illegal

The Michigan Penal Code Act 328 of 1931. Chapter 750.224a Portable device or weapon directing electrical current, impulse, wave, or beam; sale or possession prohibited; testing.

(1) A person shall not sell, offer for sale, or possess in this state a portable device or weapon from which an electric current, impulse, wave or beam is designed to incapacitate temporarily, injure, or kill.

(3) A person who violates this section is guilty of a felony.

SUMMARY: Possession and sales of Stunning Devices are banned in Michigan.

NEW JERSEY: Illegal

New Jersey State Law. New Jersey Stat. Ann. Title 2C. New Jersey Code of Criminal Justice. Chapter 39-1. Prohibited weapons and devices.

(Section "r" summarized from Chapter 2C:39-1) "Weapon" means anything readily capable of lethal use or of inflicting serious bodily injury. The term includes, but is not limited to all (4) stun guns; and any weapon or (this section refers to tear gas and has been updated in 1995) other device which projects, releases, or emits tear gas or any other substance intended to produce temporary physical discomfort or permanent injury through being vaporized or otherwise dispensed in the air.

(t) "Stun gun" means any weapon or other device which emits an electrical charge or current intended to temporarily or permanently disable a person.

Senate, No. 2871 -- L.1985, c. 360

Senate Bill No. 2781, as amended by the Senate Law, Public Safety and Defense Committee, prohibits as a crime of the fourth degree the possession of a stun gun by any person, including a law enforcement officer. A crime of the fourth degree carries a penalty of imprisonment for up to 18 months, a fine of up to \$7,500, or both. Prior to being amended the bill classified possession of a crime in the third degree.

{Editor's Note: According to Len Lawson of NJ Legislative Council, (609) 292-4625) NJ does not classify crimes in felonies versus misdemeanors. The highest crimes are in first degree on down to fourth degree. A fourth degree penalty is a serious charge and is generally considered a misdemeanor in common terms. It is however an indictable offense. A fourth degree crime does contain "a presumption of non-custodial sentencing," meaning that there is not imprisonment if there are no prior convictions. In some cases the sentencing is obviated from one's record if there is a period of good behavior following the charge.}

The committee amended the bill to include a provision authorizing the Attorney General, at his discretion, to exempt law enforcement officers from the prohibition against possession stun guns.

The bill also was amended by the committee to include stun guns in the definition of "weapon" in paragraph r. N.J.S. 2C:39-1.

(Chapter 2C:39-1)

(h) Stun guns. Any person who knowingly has in his possession any stun gun is guilty of a crime in the fourth degree.

SUMMARY: Possession is banned of Stunning Devices in New Jersey.

NEW YORK: Illegal

New York Consolidated Law (McKinney's) Book 39. Penal Law.

Article 265. Firearms and Other Dangerous Weapons 265.00

15-a. "Electronic dart gun" means any device designed primarily as a weapon, the purpose of which is to momentarily stun, knock out or paralyze a person by passing an electrical shock to such person by means of a dart or projectile.

15-c. "Electronic stun gun" means any device designed primarily as a weapon, the purpose of which is to momentarily stun, cause mental disorientation, knock out or paralyze a person by passing a high voltage electrical shock to such person.

Article 265.01 Criminal possession of a weapon in the fourth degree. A person is guilty of criminal possession of a weapon in the fourth degree when: (1) He possesses any firearm, electronic dart gun, electronic stun gun ***; or ***

SUMMARY: Possession is banned of Stunning Devices in New York.

RHODE ISLAND: Illegal

General Laws of Rhode Island. Title 11, Chapter 47. Statute Subsection 11-47-42. Weapons other than firearms prohibited. - (A) No person shall carry or possess or attempt to use against another, any instrument or weapon of the kind commonly known as a *** stun gun ***. Any person violating the provisions of this subsection, shall be punished by a fine of not more than five hundred dollars (\$500), or by imprisonment for not more than one (1) year, or both such fine and imprisonment, and the weapon so found shall be confiscated.

SUMMARY: Possession and use of Stunning Devices are banned.

WISCONSIN: Illegal

Wisconsin Sta. Ann. Chapter 939. Crimes - General Provisions. Chapter 939.22 Words and phrases defined. (10) Dangerous weapon" means any firearm, whether loaded or unloaded ***; any device designed as a weapon and capable of producing great harm ***; any electric weapon, as defined in s. 941.295(4); or any other device or instrumentality which, in the manner it is used or intended to be used, is calculated or likely to produce death or great bodily harm.

Chapter 941.295 Possession of electric weapon. Subsection (1) On or after July 1, 1982, whoever sells, transports, manufactures, possesses or goes armed with any electric weapon is guilty of a Class E felony. Subsection (4) In this section, "electric weapon" means any device which is designed, redesigned, used or intended to be used, offensively or defensively, to immobilize or incapacitate persons by the use electric current.

SUMMARY: Possession and sales of Stunning Devices are banned.

CITY/COUNTY RESTRICTIONS:

CHICAGO: Illegal

Publisher's Note: The following jurisdictions require waiting periods or notifications to law enforcement officials before weapons may be delivered to purchasers:

Chicago - application approval/denial for:

(1) Registration : 120 days

(2) Re-registration: e.g., by an heir, 365 days)

SUMMARY: Possession and sales of Stunning Devices are banned in Chicago. (More information required on City of Chicago Ordinance)

ANNAPOLIS: Illegal

BALTIMORE: Illegal (Including Baltimore County)

Baltimore City Code 115. Stun guns and similar devices. (e) It shall be unlawful for any person, firm, or corporation to sell, give away, lend, rent or transfer to any individual, firm or corporation a stun gun or other electronic device by whatever name or description which discharges a non-projectile electric current within the limits of the City of Baltimore. It further shall be unlawful for any person to possess, fire or discharge any such stun gun or electronic device within the City. Nothing in this subsection shall be held to apply to any member of the Baltimore City Police Department or any other law enforcement officer while in the performance of his or her official duty (Ord. 385. 1985).

HOWARD COUNTY, MD: Illegal

Sec. 8.404. Sale or possession of electronic weapons prohibited. It shall be unlawful for any person, firm, or corporation to sell, give away, lend, rent or transfer to any individual, firm or corporation an electronic weapon within the limits of Howard County. It further shall be unlawful for any person to possess, fire, discharge or activate any electronic weapon within the limits of Howard County. (C.B. 38 1985).

PHILADELPHIA: Illegal

Philadelphia City Ordinance. Statute 10-825 Stun Guns. (1) Definitions. (a) Stun Gun. Any device which expels or projects a projectile which, upon coming in contact with a person, is capable of inflicting injury or an electric shock to such person. (2) Prohibited conduct. Nor person shall own, use, possess, sell or otherwise transfer

any "stun gun." (3) Penalty. Any person violating any provision of this section shall be subject to a fine or not more than three hundred (300) dollars and /or imprisonment for not more than ninety (90 days.)

NEW YORK CITY: Illegal

Administrative Code of the City of New York 10-135 Prohibition on sale and possession of electronic stun guns.

- a. As used in this section, "electronic stun gun" shall mean any device designed primarily as a weapon, the purpose of which is to stun, render unconscious or paralyze a person by passing an electronic shock to such person, but shall not include an "electronic dart gun" as such term is defined in section 265.00 of the penal law.
- b. It shall be unlawful for any person to sell or offer for sale or to have in his or her possession within the jurisdiction of the city any electronic gun.
- c. Violation of this section shall be a class A misdemeanor. [Exemptions under this section are provided for police officers operating under regular department procedures or guidelines and for manufacturers of electronic stun guns scheduled for bulk shipment. NOTE: The electronic stun gun is not a "firearm" under the Federal Gun Control Act of 1968 because it does not "...expel a projectile by the action of an explosive..."]

SUMMARY: Possession and sales of Stunning Devices are banned in New York City