
Judiciary Committee

HB 2835

Title: An act relating to the sale and use of projectile stun guns.

Brief Description: Revising provisions for the sale and use of projectile stun guns.

Sponsors: Representatives Lovick, O'Brien, Wood, Miloscia, Darneille, Chase, Hasegawa, McDermott and Linville.

Brief Summary of Bill

- Regulates the sale, purchase, possession or use of projectile stun guns;
- Allows more restrictive local ordinances regulating stun guns;
- Makes it a class B felony to use a stun gun against a police officer.

Hearing Date: 1/31/06

Staff: Bill Perry (786-7123).

Background:

The general term "stun gun" includes a variety of handheld electrically charged devices that are available for sale and are designed and advertised as personal defense or law enforcement weapons. Typically, a stun gun is designed to deliver a relatively low amperage pulsed electrical current that causes rapid and uncontrolled muscular contractions. Depending on various factors, such as the strength, location and duration of the contact, a person hit with such a current may be rendered largely incapacitated for a matter of seconds or minutes.

The power source for a stun gun is typically a nine-volt battery employing transformers to attain high voltage that produces an electrical charge which is stored in a capacitor. Stun guns are advertised for sale with voltages that may range from 20,000 to 650,000 volts or more. That voltage is across open electrodes in a circuit designed to send a current of electricity through a person whose body comes in contact with the electrodes. Closing the circuit discharges the capacitors in pulses 10 to 20 times per second. The actual working output of such a system depends on many factors, but the theoretical energy may be measured in units called joules. A joule is roughly equivalent to the amount of energy necessary to overcome gravity in order to lift 100 grams a distance of one meter.

In some stun guns, the electrodes are simply prongs or barbs on the body of the stun gun. This type of stun gun can be used only at very close quarters since it requires contact between the stun gun itself and the target. Advertised prices for contact stun guns are often in the \$30 to \$80 range.

Some stun guns, however, employ projectile electrodes. These are barbs attached by coiled wires to the body of the stun gun. Compressed gas cartridges are used to project the barbs out of the stun gun and into the clothing or body of the target. These projectile stun guns may be effective at a range of up to 15 or 20 feet. The discharge of some projectile stun guns may include dispersion of confetti-like microdots that contain information about the manufacture and purchase of the cartridge. Projectile stun guns may sell for a few to several hundred dollars.

In 2005, the Legislature amended the assault laws. Although any assault of a "law enforcement officer" was already at least a class C felony, the legislation specifically provided that assault of a "peace officer" with a projectile stun gun is a class C felony ranked at seriousness level IV under the Sentencing Reform Act.

Summary of Bill:

The sale and purchase of projectile stun guns is regulated.

Sale of Projectile Stun Guns.

The sale of a projectile stun gun is allowed only if it:

- Has a maximum charge of less than 100,000 volts;
- Produces energy at less than nine joules per pulse;
- Has tracking information that is dispersed as the stun gun is discharged and that can be traced to a purchaser through records that must be made available to law enforcement agencies by the manufacturer; and
- The seller records the identity of the purchaser.

A seller's violation of these provisions is a misdemeanor.

Sellers may not sell a projectile stun gun to anyone who has been convicted of a felony, and sellers have the responsibility of completing a national criminal history background check on prospective buyers.

Purchase or Use of Projectile Stun Guns.

No convicted felon may purchase a projectile stun gun. No person may carry or display a projectile stun gun in a manner that is intended to intimidate others or that warrants alarm. This prohibition on the use of projectile stun guns does not apply to:

- A person in his or her home or place of business;
- A person vested by law with the duty of preserving public safety;
- A person protecting self or others against the use or threat of unlawful force;
- A person assisting in the lawful arrest for a felony; or
- A person engaged in military activities.

Violations of these purchase and use restrictions are gross misdemeanors.

Local Ordinances.

Local governments are allowed to enact more restrictive ordinances, but any complete ban on projectile stun guns must include an exception for persons traveling through the jurisdiction.

Using a Projectile Stun Gun Against a Law Enforcement Officer.

Knowingly using a projectile stun gun "against a law enforcement officer" is an unranked class B felony.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: The bill takes effect 90 days after adjournment of session in which bill is passed.