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HOUSE BILL 2835

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State of Washington                      59th Legislature                      2006 Regular Session

By Representatives Lovick, O'Brien, Wood, Miloscia, Darneille, Chase, Hasegawa, McDermott and Linville

Read first time 01/13/2006. Referred to Committee on Judiciary.

1            AN ACT Relating to the sale and use of projectile stun guns; adding  
2 a new chapter to Title 9 RCW; and prescribing penalties.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4            NEW SECTION.    **Sec. 1.** For the purposes of this chapter, unless the  
5 context clearly requires otherwise, "projectile stun gun" means an  
6 electronic device which projects wired probes attached to the device  
7 that emit an electrical charge and is designed and primarily employed  
8 to incapacitate a person or animal.

9            NEW SECTION.    **Sec. 2.** (1) No person or business may sell a  
10 projectile stun gun in the state of Washington unless the projectile  
11 stun gun:

- 12            (a) Has a maximum charge of less than one hundred thousand volts;  
13            (b) Has a maximum of less than nine joules of energy per pulse; and  
14            (c) Has an identification and tracking system which disperses coded  
15 materials or information at the location where the projectile stun gun  
16 was deployed, and such coded materials or information can be traced to  
17 the purchaser through records kept by the manufacturer. All

1 manufacturers shall make these records available to any law enforcement  
2 agency upon request.

3 (2) A person selling a projectile stun gun shall register the  
4 identity of the purchaser with the manufacturer of the projectile stun  
5 gun. Such identification shall be verified with a government-issued  
6 identification, or by verifying the social security number and address  
7 of the purchaser.

8 (3) No person or business may sell or give a projectile stun gun to  
9 any person who has been convicted of a felony. It is the  
10 responsibility of the person selling or giving the projectile stun gun  
11 to complete a national criminal history background check to determine  
12 if the person purchasing or receiving the projectile stun gun is a  
13 felon.

14 (4) A person who violates subsection (1) or (2) of this section is  
15 guilty of a misdemeanor.

16 NEW SECTION. **Sec. 3.** (1) A person may not purchase, possess, or  
17 use a projectile stun gun that is in violation of section 2(1) of this  
18 act.

19 (2) No person who has been convicted of a felony may purchase,  
20 possess, or use a projectile stun gun.

21 (3) It is unlawful for any person to carry, exhibit, display, or  
22 draw any projectile stun gun in a manner, under circumstances, and at  
23 the time and place that either manifests an intent to intimidate  
24 another or that warrants alarm for the safety of other persons.

25 (4) Subsection (3) of this section shall not apply to or affect the  
26 following:

27 (a) Any act committed by a person while in his or her place of  
28 abode or fixed place of business;

29 (b) Any person who by virtue of his or her office or public  
30 employment is vested by law with a duty to preserve public safety,  
31 maintain public order, or to make arrests for offenses, while in the  
32 performance of such duty;

33 (c) Any person acting to protect himself or herself against the use  
34 of presently threatened unlawful force by another, or to protect  
35 another against the use of such unlawful force by a third person;

36 (d) Any person making or assisting in making a lawful arrest for  
37 the commission of a felony; or

1 (e) Any person engaged in military activities sponsored by the  
2 federal or state government.

3 (5) Any person violating this section is guilty of a gross  
4 misdemeanor.

5 NEW SECTION. **Sec. 4.** Any person who knowingly uses a projectile  
6 stun gun against a law enforcement officer is guilty of a class B  
7 felony.

8 NEW SECTION. **Sec. 5.** Any Washington state city, town, or county  
9 may enact an ordinance relating to projectile stun guns that is more  
10 restrictive than the restrictions contained in this act. Any ordinance  
11 that completely bans the possession of a projectile stun gun must allow  
12 for an exception for individuals that possess a projectile stun gun  
13 while traveling through a city, town, or county.

14 NEW SECTION. **Sec. 6.** Sections 1 through 5 of this act constitute  
15 a new chapter in Title 9 RCW.

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