

SENATE No. 2476

The Commonwealth of Massachusetts

—————
In the One Hundred and Ninetieth General Court
(2017-2018)
—————

SENATE, Monday, April 23, 2018

The committee on Public Safety and Homeland Security, to whom was referred the petition (accompanied by bill, Senate, No. 1283) of William N. Brownsberger for legislation relative to stun guns,- reports the accompanying bill (Senate, No. 2476).

For the committee,
Michael O. Moore

The Commonwealth of Massachusetts

In the One Hundred and Ninetieth General Court
(2017-2018)

An Act relative to stun guns.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 Section 131J of Chapter 140 is hereby deleted in its entirety and replaced with the
2 following:

3 (a) For the purposes of this section the following terms shall have the following
4 meanings:

5 “Electronic Dart Gun,” any electrical defensive device designed primarily to momentarily
6 stun, or temporarily immobilize, a person by passing an electrical shock to such person by means
7 of a dart or projectile via a wire lead, commonly referred to as a TASER.

8 “Electronic Stun Gun,” any electrical handheld defensive device designed primarily to
9 momentarily stun, or temporarily immobilize a person, by passing an electrical shock to such
10 person. Such device is designed to make direct contact in order to deploy a shock.

11 (b) No person shall possess, purchase, carry, transfer, or otherwise utilize for defensive
12 purposes an electronic dart gun as defined in this section, unless that person is at least eighteen
13 years of age and has been issued a license to carry firearms pursuant to section 131 of chapter

14 140. No person shall possess, purchase, carry, transfer, or otherwise utilize for defensive
15 purposes an electronic stun gun as defined in this section, unless that person is at least eighteen
16 years of age and has been issued a firearms identification card pursuant to section 129B of
17 chapter 140 or a license to carry firearms pursuant to section 131 of chapter 140.

18 (c) Whoever violates subsection (b) shall be punished by a fine of not less than \$500 nor
19 more than \$1,000 or by imprisonment in the house of correction for not more than 2 1/2 years, or
20 by both such fine and imprisonment. A law enforcement officer may arrest without a warrant any
21 person whom he has probable cause to believe has violated this section.

22 (d) Whoever, not being licensed as provided in section 122B of this chapter, sells an
23 electronic dart gun or electronic stun gun shall be punished by a fine of not more than \$1,000 or
24 by imprisonment in a house of correction for not more than 2 years.

25 (e) Whoever sells an electronic dart gun or electronic stun gun to a person younger than
26 18 years of age shall have the license to sell firearms, rifles, shotguns, machine guns or
27 ammunition revoked and shall not be entitled to apply for such license for 10 years from the date
28 of such revocation and shall be punished by a fine of not less than \$1,000 nor more than \$10,000,
29 or by imprisonment in a state prison for not more than 10 years or by imprisonment in a house of
30 correction for not more than 2 1/2 years or by both such fine and imprisonment.

31 (f) The following shall be exempt from subsections (b) and (c): (1) a federal, state,
32 municipal, or university law enforcement officer, or member of a special reaction team in a state
33 prison or designated special operations or tactical team in a county correctional facility, acting in
34 the discharge of the officer or member's official duties who has completed a training course
35 approved by the secretary of public safety in the use of such a device or weapon designed to

36 incapacitate temporarily; or (2) a licensed supplier of such devices or weapons designed to
37 incapacitate temporarily, if possession of the device or weapon is necessary to the supply or sale
38 of the device or weapon within the scope of such sale or supply enterprise.

39 (g) A device or weapon sold under this section shall include a mechanism for tracking the
40 number of times the device or weapon has been fired.

41 (h) The secretary of public safety shall adopt regulations governing storage of devices or
42 weapons under this section and law enforcement training on the appropriate use of devices or
43 weapons issued under this section.