HOUSE DOCKET, NO. 3541 FILED ON: 1/17/2025

# HOUSE . . . . . No. 2615

## The Commonwealth of Massachusetts

PRESENTED BY:

***Colleen M. Garry***

*To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:*

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act relative to electronic defensive devices.

PETITION OF:

| NAME: | DISTRICT/ADDRESS: | DATE ADDED: |
|---|---|---|
| *Colleen M. Garry* | *36th Middlesex* | *1/17/2025* |

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# HOUSE . . . . . No. 2615

By Representative Garry of Dracut, a petition (accompanied by bill, House, No. 2615) of Colleen M. Garry relative to the defensive use of certain electronic devices. Public Safety and Homeland Security.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. *2332* OF 2023-2024.]

## The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Fourth General Court**
**(2025-2026)**

An Act relative to electronic defensive devices.

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

SECTION 1. Section 4 of Chapter 123 of the Acts of 2018 is hereby repealed.

SECTION 2. The following definition of Chapter 123 of the Acts of 2018 is hereby repealed.

"Stun gun", a portable device or weapon, regardless of whether it passes an electrical shock by means of a dart or projectile via a wire lead, from which an electrical current, impulse, wave or beam that is designed to incapacitate temporarily, injure or kill may be directed.

SECTION 3. Section 8 of Chapter 123 of the Acts of 2018 is hereby repealed.

SECTION 4. Section 13 of Chapter 123 of the Acts of 2018 is hereby repealed.

SECTION 5. Section 14 of Chapter 123 of the Acts of 2018 is hereby repealed.

SECTION 6. Section 131J of Chapter 140 is hereby deleted in its entirety and replaced with the following:

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

"Electronic Dart Gun" shall mean any electrical defensive device designed primarily to momentarily stun, or temporarily immobilize, a person by passing an electrical shock to such person by means of a dart or projectile via a wire lead; commonly referred to as a TASER.

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

"Prohibited Person" shall mean a person who:

(i) in a court of the commonwealth, has been convicted or adjudicated a youthful offender or delinquent child as defined in section 52 of chapter 119 for the commission of: (A) a felony; (B) a misdemeanor punishable by imprisonment for more than 2 years; (C) a violent crime as defined in section 121; (D) a violation of a law regulating the use, possession, ownership, transfer, purchase, sale, lease, rental, receipt or transportation of weapons or ammunition for which a term of imprisonment may be imposed; or (E) a violation of a law regulating the use, possession or sale of a controlled substance as defined in section 1 of chapter 94C including, but not limited to, a violation under said chapter 94C; provided, however, that except for the commission of a violent crime or a crime involving the trafficking of controlled substances, if the

person has been so convicted or adjudicated or released from confinement, probation or parole supervision for such conviction or adjudication, whichever occurs last, for 5 or more years immediately preceding the purchase or possession, that person may purchase or possess an electronic dart gun or electronic stun gun;

(ii) in another state or federal jurisdiction, has been convicted or adjudicated a youthful offender or delinquent child for the commission of: (A) a felony; (B) a misdemeanor punishable by imprisonment for more than 2 years; (C) a violent crime as defined in section 121; (D) a violation of a law regulating the use, possession, ownership, transfer, purchase, sale, lease, rental, receipt or transportation of weapons or ammunition for which a term of imprisonment may be imposed; or (E) a violation of a law regulating the use, possession or sale of a controlled substance as defined in section 1 of chapter 94C; provided, however, that, except for the commission of a violent crime or a crime involving the trafficking of weapons or controlled substances, if the person has been so convicted or adjudicated or released from confinement, probation or parole supervision for such conviction or adjudication, whichever occurs last, for 5 or more years immediately preceding the purchase or possession and that applicant's right or ability to possess a rifle or shotgun has been fully restored in the jurisdiction wherein the subject conviction or adjudication was entered, then that person may purchase or possess an electronic dart gun or electronic stun gun;

(iii) has been committed to any hospital or institution for mental illness unless the person obtains, prior to purchase or possession, an affidavit of a licensed physician or clinical psychologist attesting that such physician or psychologist is familiar with the applicant's mental illness and that in the physician's or psychologist's opinion the applicant is not disabled by such

an illness in a manner that shall prevent the applicant from possessing an electronic dart gun or electronic stun gun;

(iv) is or has been in recovery from or committed based upon a finding that the person is a person with an alcohol use disorder or a substance use disorder or both unless a licensed physician or clinical psychologist deems such person to be in recovery from such condition, in which case, such person may purchase or possess an electronic dart gun or electronic stun gun after 5 years from the date of such confinement or recovery; provided, however, that prior to such purchase or possession of an electronic dart gun or electronic stun gun, the applicant shall submit an affidavit issued by a licensed physician or clinical psychologist attesting that such physician or psychologist knows the person's history of treatment and that in that physician's or psychologist's opinion the applicant is in recovery;

(v) is an alien who does not maintain lawful permanent residency or is an alien not residing under a visa pursuant to 8 U.S.C ? 1101(a)(15)(U), or is an alien not residing under a visa pursuant to 8 U.S.C. 1154(a)(1)(B)(ii)(I) or is an alien not residing under a visa pursuant to 8 U.S.C. 1101(a)(15)(T)(i)(I)?(IV);

(vi) is currently subject to: (1) an order for suspension or surrender issued pursuant to section 3B or 3C of chapter 209A or section 7 of chapter 258E; or (2) a permanent or temporary protection order issued pursuant to chapter 209A or section 7 of chapter 258E; or

(vii) is currently the subject of an outstanding arrest warrant in any state or federal jurisdiction.

(b) It shall be lawful for any person aged 21 years or older, who is not a prohibited person, to possess, purchase, carry, transfer, or otherwise utilize for defensive purposes an electronic dart gun as defined in this section.

(c) It shall be lawful for any person aged 18 years or older, who is not a prohibited person, to possess, purchase, carry, transfer, or otherwise utilize for defensive purposes an electronic stun gun as defined in this section. No special permit, license or other conditions shall be required.

(d) Whoever purchases or possesses an electronic dart gun or electronic stun gun in violation of this section shall be punished by a fine of not more than $1,000 or by imprisonment in a house of correction for not more than 2 years or both such fine and imprisonment.

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

(f) Whoever sells an electronic dart gun or electronic stun gun to a person younger than 18 years of age shall be punished by a fine of not more than $300.

(g) The following shall be exempt from this section (1) a federal, state or municipal law enforcement officer, or member of a special reaction team in a state prison or designated special operations or tactical team in a county correctional facility, acting in the discharge of his official duties who has completed a training course approved by the secretary of public safety in the use of such a devise or weapon designed to incapacitate temporarily; or (2) a supplier of such devices or weapons designed to incapacitate temporarily, if possession of the device or weapon is necessary to the supply or sale of the device or weapon within the scope of such sale or supply

enterprise. A device or weapon sold under this paragraph shall include a mechanism for tracking the number of times the device or weapon has been fired. The secretary of public safety shall adopt regulations governing law enforcement training on the appropriate use of devices or weapons issued under this paragraph.