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A BILL  
21-886

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

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To amend the Firearms Control Regulations Act of 1975 To permit and regulate the possession and sale of stun guns and to repeal the registration requirement for self-defense sprays; to amend An Act To prohibit the introduction of contraband into the District of Columbia penal institutions to conform the definition of “stun gun”; to amend An Act To control the possession, sale, transfer and use of pistols and other dangerous weapons in the District of Columbia to provide penalties, to prescribe rules of evidence, and for other purposes to provide for an enhanced penalty for committing a crime while armed with a stun gun; and to amend subchapter 1-A of Chapter 28 of Title 47of the District of Columbia Official Code to require vendors to obtain an endorsement to the basic business license to sell stun guns.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Stun Gun Regulation Amendment Act of 2016”.

Sec. 2. The Firearms Control Regulations Act of 1975, effective September 24, 1976 (D.C. Law 1-85; D.C. Official Code § 7-2501.01 *et seq.*) is amended as follows:

(a) Section 101 (D.C. Official Code § 7-2501.01) is amended as follows:

(1) Paragraph (7)(D) is repealed.

(2) Paragraph (9) is amended as follows:

(A) Subparagraph (C) is amended by striking the word “or” at the end.

30 (B) Subparagraph (D) is amended by striking the phrase “a weapon.” and  
31 inserting the phrase “a weapon; or” in its place.

32 (C) A new subparagraph (E) is added to read as follows:

33 “(E) A stun gun.”

34 (3) A new paragraph (17A) is added to read as follows:

35 “(17A) “Stun gun” means any device designed or redesigned, made or remade, or  
36 readily converted or restored, and used or intended to be used offensively or defensively to  
37 immobilize or incapacitate a person by the use of electric current or audible, optical, or  
38 electromagnetic pulse.”.

39 (b) Section 213 (D.C. Official Code § 7-2502.13) is amended by striking the phrase “18  
40 years of age or older”.

41 (c) Section 214 (D.C. Official Code § 7-2502.14) is repealed.

42 (d) New sections 215 and 216 are added to read as follows:

43 “Sec. 215. Possession of stun guns.

44 “(a) No person under 18 years of age shall possess a stun gun in the District; provided, that  
45 brief possession for self-defense in response to an immediate threat of harm shall not be a  
46 violation of this subsection.

47 “(b) No person who possesses a stun gun shall use that weapon except in the exercise of  
48 reasonable force in defense of person or property.

49           “(c) Unless permission specific to the individual and occasion is given, no person, except  
50 law enforcement officers as defined in section 901, shall possess a stun gun in the following  
51 locations:

52                   “(1) A building or office occupied by the District of Columbia, its agencies, or  
53 instrumentalities;

54                   “(2) A penal institution, secure juvenile residential facilities, or halfway house;

55                   “(3) A building or portion thereof, occupied by a children’s facility, preschool, or  
56 public or private elementary or secondary school; or

57                   “(4) Any building or grounds clearly posted by the owner or occupant to prohibit the  
58 carrying of a stun gun.

59           “Sec. 216. Sale of stun guns.

60                   “(a) In order to lawfully sell a stun gun in the District, a vendor shall obtain pursuant to §  
61 47-2851.14a a stun gun endorsement on its basic business license from the Department of  
62 Consumer and Regulatory Affairs (“Department”) on a form to be provided by the Department.

63                   “(b) This section shall not apply to an individual who sells fewer than 5 stun guns in a 12  
64 month period.”.

65           (e) Section 706(b) (1) (D.C. Official Code § 7-2507.06(b)(1)) is amended as follows:

66                   (1) Subparagraph (B) is amended by striking the word “and” at the end.

67                   (2) Subparagraph (C) is amended by striking the phrase “time of arrest.” and inserting  
68 the phrase “time of arrest;” in its place.

69 (3) New subparagraphs (D) and (E) are added to read as follows:

70 “(D) Possession of a self-defense spray in violation of sections 213; and

71 “(E) Possession of a stun gun in violation of section 215.”.

72 Sec. 3. Section 2 (2)(A)(iii) (III) of An Act To prohibit the introduction of contraband into  
73 the District of Columbia penal institutions, approved December 15, 1941; (55 Stat. 800; D.C.  
74 Official Code § 22-2603.01(2)(A)(iii)(III)), is amended to read as follows;

75 “(III) A “stun gun”, as defined in section 101(17A) of the  
76 Firearms Control Regulation Act of 1975, September 24, 1976 (D.C. Law 1-85; D.C. Official  
77 Code § 7-2501.01(17A));”.

78 Sec. 4. Section 2(a) of An Act To control the possession, sale transfer, and use of pistols  
79 and other dangerous weapons in the District of Columbia to provide penalties, to prescribe rules  
80 of evidence and for other purposes, approved July 8, 1932 (47 Stat. 650; (D.C. Official Code §  
81 22-4502(a)) is amended by striking the phrase “rifle, dirk,” and inserting the phrase “rifle, stun  
82 gun, dirk, ” in its place.

83 Sec. 5. Subchapter 1-A of chapter 28 of Title 47 of the District of Columbia Official  
84 Code is amended as follows:

85 (a) Section 47-2851.03(a) is amended by adding a new paragraph “11A” to read as  
86 follows:

87 “11A Stun Gun”

88 (b) Add a new section “47-2851.14a to read as follows:

89           “47-2851.14a Stun Gun Endorsement.

90           “A vendor who sells more than 5 stun guns in a 12 month period shall obtain a “stun gun”  
91 endorsement on its basic business license from the Department on a form provided by the  
92 Department. No additional information shall be required for the issuance of a stun gun  
93 endorsement.”.

94           Sec. 6. Fiscal impact statement.

95           The Council adopts the fiscal impact statement in the committee report as the fiscal  
96 impact statement required by section 4a of the General Legislative Procedures Act of 1975,  
97 approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a.

98           Sec. 7. Effective date.

99           This act shall take effect following approval by the Mayor (or in the event of veto by the  
100 Mayor, action by the Council to override the veto), a 60-day period of congressional review as  
101 provided in section 602(c)(2) of the District of Columbia Home Rule Act, approved December  
102 24, 1973 (87 Stat. 813; D.C. Official Code §1-206.02(c)(2)), and publication in the District of  
103 Columbia Register.