

AN ACT

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IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

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To amend, on an emergency basis, the Firearms Control Regulations Act of 1975 to permit and regulate the possession and sale of stun guns, to repeal the age requirement for the possession and use of self-defense sprays, 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 section 47-2851.03 of 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 Emergency 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(1) Paragraph (7)(D) is repealed.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.

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

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

“(E) A stun gun.”.

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

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

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

(c) Section 214 (D.C. Official Code § 7-2502.14) is repealed.

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

“Sec. 215. Possession of stun guns.

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

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

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

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

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

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

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

“Sec. 216. Sale of stun guns.

“(a) In order to lawfully sell a stun gun in the District, a vendor shall obtain pursuant to D.C. Official Code § 47-2851.03(e) a stun gun endorsement on its basic business license from the Department of Consumer and Regulatory Affairs (“Department”) on a form to be provided by the Department.

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

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

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

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

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

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

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

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

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

Sec. 4. Section 2(a) of 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, approved July 8, 1932 (47 Stat. 650; D.C. Official Code § 22-4502(a)), is amended by striking the phrase “rifle, dirk,” and inserting the phrase “rifle, stun gun, dirk,” in its place.

Sec. 5. Section 47-2851.03 of the District of Columbia Official Code is amended as follows:

(a) Subsection (a) is amended by adding a new paragraph (11A) to read as follows:

“(11A) Stun Gun;”.

(b) A new subsection (e) is added to read as follows:

“(e) A vendor who sells more than 5 stun guns in a 12-month period shall obtain a stun gun endorsement under subsection (a)(11A) of this section on its basic business license from the Department on a form provided by the Department. No additional information shall be required for the issuance of a stun gun endorsement.”.

Sec. 6. Fiscal impact statement.

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

Sec. 7. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section

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412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788;  
D.C. Official Code § 1-204.12(a)).

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Chairman  
Council of the District of Columbia

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Mayor  
District of Columbia