

HOUSE No. 1249

The Commonwealth of Massachusetts

PRESENTED BY:

David F. DeCoste

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 permitting the sale and possession of nonlethal electronic control weapons for defensive purposes.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>David F. DeCoste</i>	<i>5th Plymouth</i>
<i>Kevin J. Kuros</i>	<i>8th Worcester</i>
<i>Joseph D. McKenna</i>	<i>18th Worcester</i>
<i>Leonard Mirra</i>	<i>2nd Essex</i>
<i>Timothy R. Whelan</i>	<i>1st Barnstable</i>

HOUSE No. 1249

By Mr. DeCoste of Norwell, a petition (accompanied by bill, House, No. 1249) of David F. DeCoste and others relative to the sale and possession of nonlethal electronic control weapons. Public Safety and Homeland Security.

The Commonwealth of Massachusetts

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

An Act permitting the sale and possession of nonlethal electronic control weapons for defensive purposes.

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 1: Section 131J of chapter 140 of the general laws is hereby amended by
2 striking out the Section in its entirety and the following Section 2 appearing below is inserted in
3 its place.

4 SECTION 2:

5 Section 131J

6 (a) As used in this Section, an “electronic control weapon” is defined as a weapon that is
7 designed to incapacitate a person temporarily, by means of a nonlethal electrical current,
8 impulse, wave or beam administered from a portable device.

9 (b) Persons licensed under sections 122 or section 123 of chapter 140 may sell, rent,
10 lease, transfer or deliver an electronic control weapon to persons who have a firearms
11 identification card issued under section 129C of chapter 140 or to persons who have a Class A

12 license or a Class B license issued under sections 131 or 131A of chapter 140 and are not less
13 than 18 years of age, provided that; the purchaser has a certificate stating that the person has
14 completed a training course approved by the secretary of public safety on the proper use of an
15 electronic control weapon conducted by the Municipal Police Training Committee, or by a
16 manufacturer of an electronic control weapon or by such other training program approved by the
17 department. Approved programs must demonstrate the following components;

18 (1) Not less than 4 hours of training; and

19 (2) A review of the mechanics of an electronic control weapon; and

20 (3) A review of the medical issues involved with the use of an electronic weapon,
21 including, but not limited to, information regarding the effects of electronic weapons on
22 individuals with pre-existing medical conditions and information on and a demonstration
23 regarding the removal of wires from an individual after an electronic weapon has been
24 discharged; and

25 (4) An explanation of the elements of self-defense.

26 Persons who have a Statement of Emergent Need issued by a court in a proceeding under
27 section 3B of chapter 209A shall not be required to have a firearms identification card issued
28 under section 129C of chapter 140 or a Class A or Class B license issued under section 131 or
29 131A of chapter 140.

30 (c) An electronic control weapon may be possessed and carried concealed for all lawful
31 purposes in residences, owned, leased or rented, in places in which the person is employed, in
32 vehicles and in all public places except those places in which possession is forbidden by the laws

33 of the United States or the general laws of the Commonwealth. No rule, regulation or ordinance
34 may limit or supersede the terms of this Section.

35 (d) The use of electronic control weapons is for all lawful purposes and is permitted
36 against another person only in the exercise of the individual right of self-defense.

37 Whoever violates this section shall be punished by a fine of not less than \$250 nor more
38 than \$1,000 or by imprisonment in the house of correction for not less than 6 months nor more
39 than 2 years, or by both such fine and imprisonment. A law enforcement officer may arrest
40 without a warrant any person whom he has probable cause to believe has violated this section.