

# PENAL CODES REGARDING AIR TASER & ADVANCED TASER

**There is no legal distinction between the AIR TASER and ADVANCED TASER – they fall under equivalent regulations. Hence, we will refer only to AIR TASER below for expediency.**

**FEDERAL UNITED STATES LAW:** Legal without Restrictions.

The AIR TASER (including ADVANCED TASER) is classified as a non-firearm by the Bureau of Alcohol, Tobacco, and Firearms (ATF). Hence, it is not subject to any of the Federal regulations regarding the distribution, sale and possession of firearms. There are no restrictions placed upon the AIR TASER by ATF or any other Federal Agency for sales and distribution within the United States.

The Federal government does regulate the AIR TASER for export sales. Licenses must be obtained for all export shipments (excluding Canada) from the United States Department of Commerce.

Below are the various legal codes of states and municipalities that regulate the AIR TASER (and ADVANCED TASER) technology. The laws that restrict the AIR TASER pre-dated the AIR TASER and were passed regarding “stun guns.” However, since both the AIR TASER and ADVANCED TASER can function in a stun gun (or touch/drive stun mode) it is covered by these applicable laws. All such codes known to the company are shown below.

**CONNECTICUT: Legal for Law Enforcement. Legal w/ restrictions for civilians**

**Connecticut Criminal Law Title 53 – Crimes, Title 53a – Penal Code, title 54 Criminal Procedure, Chapter 950 Section 53a-3**

**Definitions:** (20) “Electronic defense weapon” means a weapon which by electronic impulse or current is capable of immobilizing a person temporarily, but is not capable of inflicting death or serious injury.

**§53-206. Carrying and sale of dangerous weapons**

- (a) Any person who carries upon his person... electronic defense weapon, as defined in 53a-3, or any other dangerous or deadly weapon or instrument, unless such person has been granted a written permit issued and signed by the first selectman of a town, the mayor or chief of police of a city or the warden of a borough, authoring such person to carry such weapon or instrument within such city or borough, shall be fined not more than five hundred dollars or imprisoned not more than three years or both. No permit shall be issued to any applicant who has ever been convicted of a felony. The issuing authority may request the applicant’s finger prints and full information concerning his criminal record and make an investigation concerning his criminal record and make an investigation concerning the suitability of the applicant to carry any such weapon. Refusal of fingerprinting by the applicant shall be sufficient cause to refuse issuance of a permit. Whenever any person is found guilty of a violation of this subsection, any weapon or other implement within the provisions hereof, found upon the body of such person, shall be forfeited to the municipality wherein such person was apprehended, notwithstanding any failure of the judgment of conviction to expressly impose such forfeiture. Any person who has been granted a permit to carry any martial arts weapon pursuant to this section may carry such weapon anywhere within the state. The provisions of this subsection shall not apply to any officer charged with the preservation of the public peace nor to any person who is found with any such weapon or implement concealed upon his person while lawfully removing his household goods or effects from one place to another, or from one residence to another, nor to any person while actually and peaceably engaged in carrying any such weapon or implement from his place of abode or business to a place or person where or by whom such weapon or implements is to be repaired, or while actually and peaceably returning to his place of abode or business with such weapon or implement after the same has been repaired.
- (b) any person who sells to another... electronic defense weapon, as defined in section 53a-3, shall, within twenty-four hours after the deliver of such weapon or implement to the person to whom sold, give written notice of such sale or delivery, specifying the article sold and the name and address of the person to whom sold or delivered, to the chief of police of the city, the warden of the borough or the first selectman of the town, within which such weapon or implement is sold or delivered, as the case may be.

Any person who violates any provision of this subsection shall be fined not more than one hundred dollars.

**SUMMARY:** Section 53-206(a) prohibits the carrying of an AIR TASER on the person unless that person has obtained a dangerous weapons permit. However, there are no state-wide permits, only local permits – the permit is only good in that particular town and would be illegal elsewhere. Any one selling such a weapon must notify the chief of police with that information within 24 hours of the delivery. Therefore the AIR TASER can be sold and it can be kept in your place of business or home, but you cannot carry on your person without a permit which is only good within the limits of the city in which was issued.

**DISTRICT OF COLUMBIA: Legal for Law Enforcement. Illegal for civilians.**

**District of Columbia Law. DC Code Ann. Title 6, Chapter 23. Firearms Control. Subchapter I. General Provisions 6-2302.**

(7) “**Destructive device**” means:

(B) “Any device by whatever name known which will, or is designed, or may be readily converted or restored to expel a projectile by the action of an explosive or other propellant through a smooth bore barrel, except a shotgun;”

(D) Any device designed or redesigned, made or remade, or readily converted or restored, and intended to stun or disable a person by means of electric shock.

**Subchapter II. Firearms and Destructive Devices. General Provision 6-2311. Registration requirements.**

(a) Except as otherwise provided in this chapter, no person or organization in the District of Columbia (“**District**”) shall receive, possess, control, transfer, offer for sale, sell, give, or deliver any destructive device, and no person or organization in the District shall possess or control any firearm, unless that person or organization holds a valid registration certificate for the firearm.

**Subchapter V. Sales and Transfer of Firearms, Destructive Devices, and Ammunition. General Provision 6-2351. Sales and transfers prohibited.** No person or organization shall sell, transfer or otherwise dispose of any firearm, destructive device or ammunition in the District except as provided in \*\*\* 6-2352, or 6-2375.

**SUMMARY: Possession and sales of AIR TASERS are banned in Washington, DC.**

**FLORIDA: Legal for Law Enforcement. Legal for civilians w/ caveats on carrying concealed:**

**790.001 (15) Definitions:** “Remote stun gun” means any nonlethal device with a tethered range not to exceed 16 feet and which shall utilized an identification and tracking system which, upon use, disperses coded material traceable to the purchaser through records kept by the manufacturer on all remote stun guns and all individual cartridges sold which information shall be made available to any law enforcement agency upon request.

**790.01 Carrying concealed weapons: (4) It** is not a violation of this section for a person to carry for purposes of lawful self-defense, in a concealed manner: (b) a nonlethal stun gun or remote stun gun or other nonlethal electric weapon or device which does not fire a dart or projectile and is designed solely for defensive purposes. **(AIR TASER Note: section b allows the concealed carry of an AIR TASER since it is tethered and disperses coded material.)**

Section 790.053 Open carry of weapons – (2) a person may openly carry, for purposes of lawful self-defense: (b) a nonlethal stun gun or remote stun gun or other nonlethal electric weapon or device which does not fire a dart or projectile and is designed solely for defensive purposes. **{Editor’s note: Section b allows the open carry of an AIR TASER since it is tethered and disperses coded material as defined in Section 790.001.}**

790.22 Use of BB guns, air or gas operated guns, electric weapons or devices or firearms under sixteen; limitation--

(1) The use for any purpose whatsoever of BB guns, air or gas operated guns, electric weapons or devices or firearms as defined in 790.001 by any child under the age of 16 is prohibited unless such use is under the supervision and in the presence of an adult.

(2) Any adult responsible for the welfare of any child under the age of 16 years who knowingly permits such child to use or have in his possession any BB gun, air or gas-operated gun, electric weapon or device or any firearm in violation of the provision of subsection (1) of this section is guilty of a misdemeanor of the second degree, punishable as provide in 775.082 or 775.083.

**NOTE:** Any person convicted of a felony in this, or any other state, or in a federal court, of a imprisonment **cannot possess, own, or have in his care or custody any firearm or electric weapon**, without first having his right to own and possess such being restored by executive clemency, or by a proceeding to remove the disability under federal law. **A convicted felon is also forbidden from carrying any concealed weapon whatsoever, including any size chemical spray.** Violation is a second-degree felony.

#### **OVERVIEW OF NEW STATUTES AFFECTING AIR TASER IN FLORIDA**

In May 1997, the Florida legislature passed HB 379 and became law. HB 379 allows certain remote stun guns and pepper sprays to be carried in the "open" and "concealed." The AIR TASER falls under this open/concealed carry law as it meets specific parameters set by this new statute.

- The remote stun must fire no more than 16 feet (the AIR TASER fires only 15 feet)
- The remote stun gun must utilize an identification and tracking system that upon use, disperses coded material traceable to the purchaser through records kept by the manufacturer (AIR TASER, Inc.) on all remote stun gun and all individual cartridges sold (Air Cartridges). The Anti-Felon Identification system meets this parameter.

**NOTE: The statute affects dealers and owners of the AIR TASER. To carry a remote stun gun (AIR TASER) in the open or concealed, the remote stun gun (AIR TASER) must be registered with our company. That means that the Anti-Felon Identification cards on the AIR TASER box must be on file with TASER International, Inc. If the remote AIR TASER is not registered it cannot be carried.**

+{ }+ represents underlined; words underlined are additions

-{ }- represents stricken; words stricken are deletions

#### **1997 Legislature, CS/CS/HB 379, Second Engrossed**

An act relating to carrying of self-defense weapons or devices; amending [s. 790.001](#), F.S.; providing an exception for certain self-defense chemical sprays from the definition of "tear gas gun" or "chemical weapon or device"; providing a definition of "self-defense chemical spray" and "remote stun gun"; amending [s. 790.01](#), Florida Statute (F.S.), relating to carrying concealed weapons; providing that self-defense chemical sprays and nonlethal stun guns and other nonlethal electric weapons or devices may be lawfully carried in a concealed manner in certain circumstances; clarifying language; providing for construction not to preclude criminal prosecutions; amending [s. 790.053](#), F.S., relating to open carrying of weapons; providing that self-defense chemical sprays and nonlethal stun guns and other nonlethal electric weapons or devices may be lawfully carried in an open manner in certain circumstances; clarifying language; creating s. 790.054, F.S.; defining the offense of knowingly and willfully using self-defense chemical sprays and nonlethal stun guns and other nonlethal electric weapons or devices against a law enforcement officer engaged in official duties, and providing penalties therefor; providing effective dates.

Be It Enacted by the Legislature of the State of Florida:

Section 1. The introductory paragraph and paragraph (b) of subsection (3) of [section 790.001](#), Florida Statutes, are amended, subsections (15) through (17) of said section are renumbered as subsections (16) through (18), respectively, and a new subsection (15) is added to said section, to read:

[790.001](#) Definitions.--+{As used in this chapter}+ -{The following words and phrases, when used in

this chapter, shall, for the purposes of this chapter, have the meanings respectively ascribed to them in this chapter}-, except where the context otherwise requires:

(3)(a) "Concealed weapon" means any dirk, metallic knuckles, slingshot, billie, tear gas gun, chemical weapon or device, or other deadly weapon carried on or about a person in such a manner as to conceal the weapon from the ordinary sight of another person.

(b) +{"Tear gas gun" or "chemical weapon or device" means any weapon of such nature, except a device known as a "self-defense chemical spray." "Self-defense chemical spray" means a device carried solely for purposes of lawful self-defense that is compact in size, designed to be carried on or about the person, and contains not more than two ounces of chemical}+ -{"Tear gas gun," "chemical weapon," or "device" shall apply to all weapons of such nature except those designed to be carried in a woman's handbag or a man's pants or coat pocket or designed as a pocket pencil or pen and containing not more than one-half ounce of chemical}-.

+{(15) "Remote stun gun" means any nonlethal device with a tethered range not to exceed 16 feet and which shall utilize an identification and tracking system which, upon use, disperses coded material traceable to the purchaser through records kept by the manufacturer on all remote stun guns and all individual cartridges sold which information shall be made available to any law enforcement agency upon request.}

+ Section 2. [Section 790.01](#), Florida Statutes, is amended to read: [790.01](#) Carrying concealed weapons.--

(1) +{Except as provided in subsection (4), a person who carries}+ -{Whoever shall carry}- a concealed weapon or electric weapon or device on or about his +{or her}+ person +{commits}+ -{shall be guilty of}- a misdemeanor of the first degree, punishable as provided in [s. 775.082](#) or [s. 775.083](#).

(2) +{A person who carries}+ -{Whoever shall carry}- a concealed firearm on or about his +{or her}+ person +{commits}+ -{shall be guilty of}- a felony of the third degree, punishable as provided in [s. 775.082](#), [s. 775.083](#), or [s. 775.084](#).

(3) +{This section does not apply to a person}+-{Nothing in this section shall relate to persons}- licensed +{to carry a concealed weapon or a concealed firearm pursuant to the provisions of s.}+ -{as set forth in [ss. 790.053](#) and}- [790.06](#).

+{(4) It is not a violation of this section for a person to carry for purposes of lawful self-defense, in a concealed manner:}+

+{(a) A self-defense chemical spray.}+

+{(b) A nonlethal stun gun or remote stun gun or other nonlethal electric weapon or device which does not fire a dart or projectile and is designed solely for defensive purposes.

(5) This section does not preclude any prosecution for the use of an electric weapon or device or remote stun gun or self-defense chemical spray during the commission of any criminal offense under [s. 790.07](#), [s. 790.10](#), [s. 790.23](#), or [s. 790.235](#), or for any other criminal offense.}+

Section 3. [Section 790.053](#), Florida Statutes, is amended to read:

[790.053](#) Open carrying of weapons.--

+{(1)}+ Except as otherwise provided by law +{and in subsection (2)}+, it +{is}+ -{shall be}- unlawful for any person to openly carry on or about his +{or her}+ person any firearm or electric weapon or device+{.}+

+{(2) A person may openly carry, for purposes of lawful self-defense:}+

+{(a) A self-defense chemical spray.}+

+{(b) A nonlethal stun gun or remote stun gun or other nonlethal electric weapon or device which does not fire a dart or projectile and is designed solely for defensive purposes}+-{; provided, however, that a person may openly

carry a stun gun or nonlethal electric weapon or device designed solely for defensive purposes, which weapon does not fire a dart or projectile}-.

+{(3)}+ Any person violating this section +{commits}+ -{shall be guilty of}- a misdemeanor of the second degree, punishable as provided in [s. 775.082](#) or [s. 775.083](#).

Section 4. Effective October 1, 1997, and applicable to offenses committed on or after that date, section 790.054, Florida Statutes, is created to read: +{790.054 Prohibited use of self-defense weapon or device against law enforcement officer; penalties.--A person who knowingly and willfully uses a self-defense

chemical spray or a nonlethal stun gun or other nonlethal electric weapon or device or remote stun gun against a law enforcement officer engaged in the performance of his or her duties commits a felony of the third degree, punishable as provided in s. [775.082](#), s. [775.083](#), or s. [775.084](#).)+

Section 5. Except as otherwise provided herein, this act shall take effect upon becoming a law.

**5/16/97: HB 379er became law without Governor's Signature, Chapter No. 97-72.**

Any comments or questions about legislative bill information should be directed to: [leg.info@leg.state.fl.us](mailto:leg.info@leg.state.fl.us) or please call the Legislative Information Division at (904) 488-4371, or toll free at 1-800-342-1827.

**GEORGIA: Legal for citizens, with caveats regarding school safety zones.**

**Georgia O.C.G.A. §**

It shall be unlawful for any person to carry to or to possess or have under control any weapon within a school safety zone or at a school building, school function, or on school property or on a bus or other transportation furnished by the school

The term "weapon" means and includes any pistol, revolver, or any weapon designed to propel a missile of any kind, or any dirk, bowie knife, switchblade knife, ballistic knife, any other knife having a blade of three or more inches, straight-edge razor, spring stick, metal knucks, blackjack, or any flailing instrument consisting of two or more rigid parts connected in such a manner as to allow them to swing freely, which may be know as a nun chahka, nun chuck, nunchaku, shuriken, or fighting chain, or any disc, of whatever configuration, having at least two points or pointed blades which is designed to be thrown or propelled and which may be known as a throwing star or oriental dart, or any weapon of like kind, and any stun gun or taser as defined in O.C.G.A §16-11-106

Punishment: A fine of not more than \$10,000; imprisonment for not less than two nor more than ten years, or both. A juvenile who violates this shall be subject to the provision of O.C.G. §15-11-37.

**HAWAII: Legal for Law Enforcement See Chapter 134-16 update. Illegal for civilians.**

**Hawaii State Law. Rev. Stats. Title 10, Chapter 134. Firearms, Ammunition and Dangerous Weapons. Part 1. General Regulations. Chapter 134-1 Definitions.**

“**Electric gun**” means any portable device that is electrically operated to project a missile or electromotive force. It does not include any electric livestock prod used in animal husbandry[-] and any defibrillator used in emergency medical situations.”

§ 134-16. Restriction on possession, sale, gift, or delivery of electric guns.

Statute text

- (a) It shall be unlawful for any person, including a licensed manufacturer, licensed importer, or licensed dealer, to possess, offer for sale, hold for sale, sell, give, lend, or deliver any electric gun.
- (b) Any electric gun in violation of subsection (a) shall be confiscated and disposed of by the chief of police.
- (c) This section shall not apply to law enforcement officers of county police and sheriff departments of this State, or vendors providing electric guns to those entities; provided that electric guns shall at all times remain in the custody and control of the county policy or sheriff departments.
- (d) The county police and sheriff departments of this State shall maintain records regarding every electric gun in their custody and control. Such records shall report every instance of usage of the electric micguns; in particular, records shall be maintained in a similar manner as for those of discharging of firearms. The county police and sheriff departments shall annually report to the legislature regarding these records twenty days before the beginning of each session.

History

[L 1988, c 275, pt of § 2; am L 2001, c 252, § 3 am I 2002, c 16, §5]

Annotations

Editor's Note. - The editor suggests that the word "policy" near the end of subsection (c) should read "police." 2001 Haw. Sess. Laws, Act 252, § 4 provides that the 2001 amendment to this section does not affect rights and duties that matured, penalties that were incurred, and proceedings that were begun, before June 19, 2001.

The 2001 amendment, effective June 19, 2001, added subsections (c) and (d).

NOTE: Law enforcement needs to maintain control and security over any electric gun and provide records of usage to the legislature annually.

**SUMMARY: Possession and sales of AIR TASERS are banned in Hawaii for civilians. Law Enforcement use is legal.**

**ILLINOIS: Legal for Law Enforcement. Legal with conditions for civilians (Illegal in Chicago).**

**CHICAGO: Legal for Law Enforcement. Illegal for civilians.**

Publisher's Note: The following jurisdictions require waiting periods or notifications to law enforcement officials before weapons may be delivered to purchasers:

Chicago (application approval/denial for:

- (1) Registration : 120 days
- (2) Re-registration: e.g. by an heir, 365 days)

**Illinois State Law. Compiled Stat. Ann. Chapter 430. Public Safety ACT 65. Firearms Owners Identification Card Act. Chapter 720. Criminal Law and Procedure, Article 24. Deadly Weapons.**

**5/24-1 Unlawful use of Weapons.** (A) A person commits the offense of unlawful use of weapons when he knowingly: \*\*\*\*

(8) Carries or possesses a firearm, stun gun or taser or other deadly weapon in any place which is licensed to sell intoxicating beverages, or at any public gathering held pursuant to a license issued by any governmental body or any public gathering at which an admission is charged, excluding a place where a showing, demonstration or lecture involving the exhibition of unloaded firearms is conducted; or

(9) Carries or possesses in a vehicle or on or about his person any pistol, revolver, stun gun or taser or firearm or ballistic knife, when he is hooded, robed or masked in such a manner as to conceal his identity; or

(10) Carries or possesses on or about his person, upon any public street, alley, or other public lands within the corporate limits of a city, village or incorporated town, except when an invitee thereon or therein, for the purpose of the display of such weapon or the lawful commerce in weapons, except when on his land or in his own abode or fixed place of business, any pistol, revolver, stun or taser or other firearm.

A "stun gun or taser," as used in this paragraph (a) means (i) any device which is powered by electrical charging units, such as batteries, and which fires one or several barbs attached to a length of wire and which, upon hitting a human, can send out a current capable of disrupting person's nervous system in such a manner as to render him incapable of normal functioning or (ii) any device which is powered by electrical charging units, such as batteries, and which, upon contact with a human or clothing worn by a human, can send out a current capable of disrupting the person's nervous system in such a manner as to render him incapable of normal functioning.

(b) **Sentence.** A person convicted of a violation of Subsection 24-1(a)(8) and Subsection 24-1(a)(10) commits a Class A misdemeanor; a person convicted of a violation of Subsection 24(a)(9) commits a Class 4 felony.

(c)(2) A person who violates Subsection 24-1(a)(9) in any school, regardless of the time of day or the time of year or residential property owned, operated and managed by a public housing agency or on the real property comprising any school, regardless of the time of day or the time of year or residential property owned, operated and managed by a public housing agency or any conveyance owned, leased or contracted by a school to transport students to or from school or a school related activity commits a Class 3 felony. School is defined as any public or private elementary or secondary school, community college, college or university.

**Article 24 5/24-1.1 Unlawful Use of Possession of Weapons by Felons or Persons in the Custody of the Department of Corrections Facilities.**

**Section 24-1.1.** Unlawful Use of Possession of Weapons by Felons or Persons in the Custody of the Department of Corrections Facilities. (a) It is unlawful for a person to knowingly possess on or about his person or on his land or in his abode or fixed place of business any weapons prohibited under Section 24-1 of this Act or any firearm ammunition if the person has been convicted of a felony under the law of the State or

any other jurisdiction. This section does not apply if the person has been granted relief by the Director of the Department of State Police pursuant to Section 10 \*\*\*.

**Article 24 5/24-2 Exemptions (i)** Nothing in this Article shall prohibit, apply to, or affect the transportation, carrying or possession, of any pistol or revolver, stun gun, taser, or other firearm consigned to a Common Carrier operating under license of the State of Illinois or the Federal Government, where such transportation, carrying, or possession is incident to the lawful transportation in which such Common Carrier is engaged; and nothing in this Article shall prohibit, apply to or affect the transportation, carrying or possession of any pistol, revolver, stun gun, taser, or other firearm, not the subject of and regulated by subsection 24-1(a)(7) or subsection 24-2(c) of this Article, which is unloaded and enclosed in a case, firearm carrying box, shipping box, or other container, by the possessor of a valid Firearm Owners Identification Card.

**SUMMARY: Possession of an AIR TASER is unlawful when in corporate limits of a city or incorporated town, school, in any place licensed to sell intoxicating beverages, at any public gathering held pursuant to a license issued by any governmental body or any public gathering at which an admission is charged, or when a person's identity is concealed. Possession is legal when on person's land or in his own abode or fixed place of business in Illinois.**

**CHICAGO: Legal for Law Enforcement. Illegal for civilians.**

Publisher's Note: The following jurisdictions require waiting periods or notifications to law enforcement officials before weapons may be delivered to purchasers:

Chicago (application approval/denial for:

- (1) Registration : 120 days
- (2) Re-registration: e.g. by an heir, 365 days)

**SUMMARY: Note, per TASER General Counsel on 2/17/03:**

Ergo: In Illinois it is legal to carry the TASER concealed as long as you are on your land, your own house or fixed place of business (see #3 below) and you can carry the TASER in your vehicle provided the TASER is broken down in a non-functioning state, is not immediately accessible, or is unloaded and enclosed in a case, firearm carrying box, shipping box or other container by a person who has been issued a currently valid firearm owners identification card (see#2 below).

IT IS LEGAL to carry or possess a taser in the state of Illinois in the following circumstances:

- 1) If NOT carried or possessed with intent to use unlawfully against another. Intent most often is proved by circumstantial evidence and can be inferred by surrounding circumstances and actions (People v. Davis 50 Ill. App. 3rd 163 (1977) and People v. Jones 93 Ill. App. 3rd 475 (1981)). Actions the courts have considered are pointing the weapon at someone not in self defense, making verbal threats, and gestures indicating use of the weapon in a threatening manner. People v. Coleman 131 Ill. App. 2nd 46 (1971)
- 2) Carried or possessed in a vehicle, including on public streets, if weapon is broken down, or not accessible or unloaded in case.
- 3) Concealed on a person while on his/her land, house or place of business.
- 4) Carried or possessed on public lands for display purposes or for lawful commerce or on a persons land, home or place of buisness.

IT IS ILLEGAL to carry or possess a taser under the following circumstances:

- 1) In a license liquor establishment
- 2) At a licensed public gathering or public gathering where an admission is charged, except for demonstrations or lectures where firearms are unloaded
- 3) If the person is hooded or masked to conceal his/her identity.

**Possession and sales of AIR TASERS are banned in Chicago. (More information required on City of Chicago Ordinance)**

**INDIANA: Legal for Law Enforcement. Illegal for civilians.**  
**Indiana Statutes, IC 35-47-8**

**Chapter 8. Regulation of Electronic Stun Weapons, TASERs, and Stun Guns**

**IC 35-47-8-1** Sec. 1. As used in this chapter, "electronic stun weapon" means any mechanism that is: (1) designed to emit an electronic, magnetic, or other type of charge that exceeds the equivalency of a five (5) milliamp sixty (60) hertz shock; and (2) used for the purpose of temporarily incapacitating a person. *As added by P.L.318-1985, SEC.3.*

**IC 35-47-8-2** Sec. 2. As used in this chapter, "stun gun" means any mechanism that is: (1) designed to emit an electronic, magnetic, or other type of charge that equals or does not exceed the equivalency of a five (5) milliamp sixty (60) hertz shock; and (2) used for the purpose of temporarily incapacitating a person. *As added by P.L.318-1985, SEC.3.*

**IC 35-47-8-3** Sec. 3. As used in this chapter, "taser" means any mechanism that is: (1) designed to emit an electronic, magnetic, or other type of charge or shock through the use of a projectile; and (2) used for the purpose of temporarily incapacitating a person. *As added by P.L.318-1985, SEC.3.*

**IC 35-47-8-4** Sec. 4. IC 35-47-2 applies to an electronic stun weapon or taser. *As added by P.L.318-1985, SEC.3.*

**IC 35-47-8-5** Sec. 5. (a) A person eighteen (18) years of age or over may purchase or possess a stun gun. (b) A person who sells or furnishes a stun gun to a person who is less than eighteen (18) years of age commits a Class B misdemeanor. (c) A person who uses a stun gun in the commission of a crime commits a Class A misdemeanor. (d) A person who uses a stun gun on a law enforcement officer while the officer is performing the officer's duties commits a Class D felony. *As added by P.L.318-1985, SEC.3.*

**IC 35-41-1-7** Sec. 7. "Deadly force" means force that creates a substantial risk of serious bodily injury. *As added by P.L.311-1983, SEC.8.*

**IC 35-41-1-8** Sec. 8. "Deadly weapon" means the following: (1) A loaded or unloaded firearm. (2) A weapon, device, taser (as defined in IC 35-47-8-3) or electronic stun weapon (as defined in IC 35-47-8-1), equipment, chemical substance, or other material that in the manner it is used, or could ordinarily be used, or is intended to be used, is readily capable of causing serious bodily injury. (3) An animal (as defined in IC 35-46-3-3) that is: (A) readily capable of causing serious bodily injury; and (B) used in the commission or attempted commission of a crime. *As added by P.L.311-1983, SEC.9. Amended by P.L.318-1985, SEC.1; P.L.140-1994, SEC.4.*

**OVERLAND PARK, KANSAS: Legal for Law Enforcement. Illegal for civilians.**

**Overland Municipal Code, Chapter 11.60.010 Criminal Use of Weapons. "Criminal use of weapons"** is knowingly;

A. Selling, manufacturing, purchasing, possessing or carrying any bludgeon, sandclub, nunchaku, shotgun with a barrel less than 18 inches in length, any gun that emits an electrical charge including, but not limited to, a gun commonly referred to as a stun gun or Taser gun, metal knuckles or throwing star, or any knife....

**Chapter 11.60.020 Exceptions to 11.60.010 Subsections (A) through D of 11.60.010 do not apply to or affect any of the following:**

- A. Law enforcement officers, any person summoned by any such officers or public officers to assist in making arrests or preserving the peace while actually engaged in assisting such officers;
- B. Wardens, superintendents and keepers of prisons, penitentiaries, jails and other institutions for the detention of persons accused or convicted of crime while acting within the scope of their authority;
- C. Members of the armed services or reserve forces of the United State or Kansas National Guard while in the performance of their official duty;
- D. Manufacturers of, transportation to, or sale of weapons to persons authorized under this exemption to possess such weapons.

E. Use and possession of the martial arts weapon “nunchaku” by students, instructors, and/or demonstrator instructors provided that such use, possession, instruction or demonstration shall be permitted only on the premises of individuals conducting a course of martial arts ...

**SUMMARY: Possession and sales of AIR TASERS by civilians are not allowed in Overland Park. Please note that police, prison, military and manufacturers of stun devices who deliver to the authorized aforementioned persons.**

**ANNAPOLIS: Legal for Law Enforcement. Illegal for civilians.**

**BALTIMORE: Illegal (Including Baltimore County)**

**Baltimore City Code 115. Stun guns and similar devices.** (e) It shall be unlawful for any person, firm, or corporation to sell, give away, lend, rent or transfer to any individual, firm or corporation a stun gun or other electronic device by whatever name or description which discharges a non-projectile electric current within the limits of the City of Baltimore. It further shall be unlawful for any person to possess, fire or discharge any such stun gun or electronic device within the City. Nothing in this in this subsection shall be held to apply to any member of the Baltimore City Police Department or any other law enforcement officer while in the performance of his or her official duty (Ord. 385. 1985).

**HOWARD COUNTY, MD: Unknown if illegal for Law Enforcement. Illegal for civilians.**

**Sec. 8.404. Sale or possession of electronic weapons prohibited.** It shall be unlawful for any person, firm, or corporation to sell, give away, lend, rent or transfer to any individual, firm or corporation an electronic weapon within the limits of Howard County. It further shall be unlawful for any person to possess, fire, discharge or activate any electronic weapon within the limits of Howard County. (C.B. 38 1985).

**MASSACHUSETTS: Legal for Law Enforcement. Illegal for civilians.**

**Massachusetts State Law. Ann. Laws of Massachusetts. Chapter 140. Sale of Firearms. Section 131J: Sale or possession of electrical weapons; penalties. Section 131J.** No person shall sell, offer for sale or possess a portable device or weapon from which an electric current, impulse, wave or beam may be directed, which current, impulse, wave or beam is designed to incapacitate temporarily, injure or kill. Whoever violates this provision of this section shall be punished by a fine of not less than five hundred nor more than one thousand dollars or by imprisonment for not less than six months nor more than two years in a jail or house of correction, or both.

**SUMMARY: Possession and sales of AIR TASERS are banned in Massachusetts.**

**MICHIGAN: Legal for Law Enforcement. Illegal for civilians.**

**THE MICHIGAN PENAL CODE (EXCERPT) Act 328 of 1931**

**750.231 Sections 750.224, 750.224a, 750.224b, 750.226a, 750.227, 750.227c, and 750.227d inapplicable to certain persons and organizations. Sec. 231.**

(1) Except as provided in subsection (2), sections 224, 224a, 224b, 226a, 227, 227c, and 227d do not apply to any of the following:

(a) A peace officer of an authorized police agency of the United States, of this state, or of a political subdivision of this state, who is regularly employed and paid by the United States, this state, or a political subdivision of this state.

(b) A person who is regularly employed by the state department of corrections and who is authorized in writing by the director of the department of corrections to carry a concealed weapon while in the official performance of his or her duties or while going to or returning from those duties.

(c) A person employed by a private vendor that operates a youth correctional facility authorized under section 20g of 1953 PA 232, MCL 791.220g, who meets the same criteria established by the director of the state department of corrections for departmental employees described in subdivision (b) and who is authorized in writing by the director of the department of corrections to carry a concealed weapon while in the official performance of his or her duties or while going to or returning from those duties.

(d) A member of the United States army, air force, navy, or marine corps or the United States coast guard while carrying weapons in the line of or incidental to duty.

(e) An organization authorized by law to purchase or receive weapons from the United States or from this state.

(f) A member of the national guard, armed forces reserve, the United States coast guard reserve, or any other authorized military organization while on duty or drill, or in going to or returning from a place of assembly or practice, while carrying weapons used for a purpose of the national guard, armed forces reserve, United States coast guard reserve, or other duly authorized military organization.

(2) As applied to section 224a(1) only, subsection (1) is not applicable to an individual included under subsection (1)(a), (b), or (c) unless he or she has been trained on the use, effects, and risks of using a portable device or weapon described in section 224a(1).

**History:** 1931, Act 328, Eff. Sept. 18, 1931 ;--CL 1948, 750.231 ;--Am. 1958, Act 107, Eff. Sept. 13, 1958;--Am. 1964, Act 215, Eff. Aug. 28, 1964 ;--Am. 1981, Act 103, Eff. Mar. 31, 1982 ;--Am. 1998, Act 510, Imd. Eff. Jan. 8, 1999 ;--Am. 2002, Act 536, Imd. Eff. July 26, 2002 .

HOFFMAN sponsored bill. (SB 809)

**OLD MICHIGAN LANGUAGE: Illegal for Law Enforcement. Illegal for civilians.**

**The Michigan Penal Code Act 328 of 1931. Chapter 750.224a Portable device or weapon directing electrical current, impulse, wave, or beam; sale or possession prohibited; testing.**

(1) A person shall not sell, offer for sale, or possess in this state a portable device or weapon from which an electric current, impulse, wave or beam is designed to incapacitate temporarily, injure, or kill.

(3) A person who violates this section is guilty of a felony.

**SUMMARY: Possession of AIR TASERs for civilians are banned in Michigan.**

**NEW JERSEY: Illegal for Law Enforcement. Illegal for civilians.**

**New Jersey State Law. New Jersey Stat. Ann. Title 2C. New Jersey Code of Criminal Justice. Chapter 39-1. Prohibited weapons and devices.**

**(Section r summarized from Chapter 2C:39-1)** “Weapon” means anything readily capable of lethal use or of inflicting serious bodily injury. The term includes, but is no limited to all (4) stun guns; and any weapon or (this section refers to tear gas and has been updated in 1995) other device which projects, releases, or emits tear gas or any other substance intended to produce temporary physical discomfort or permanent injury through being vaporized or otherwise dispensed in the air.

(t) “Stun gun” means any weapon or other device which emits an electrical charge or current intended to temporarily or permanently disable a person.

**Senate, No. 2871 -- L.1985, c. 360**

Senate Bill No. 2781, as amended by the Senate Law, Public Safety and Defense Committee, **prohibits as a crime of the fourth degree the possession of a stun gun by any person, including a law enforcement officer. A crime of the fourth degree carries a penalty of imprisonment for up to 18 months, a fine of up to \$7,500, or both.** Prior to being amended the bill classified possession of a crime in the third degree. *{Editor’s Note: According to Len Lawson of NJ Legislative Council, (609) 292-4625 NJ does not classify crimes in felonies versus misdemeanors. The highest crimes are in first degree on down to fourth degree. A fourth degree penalty is a serious charge and is generally considered a misdemeanor in common terms. It is however an indictable offense. A fourth degree crime does contain “a presumption of non-custodial sentencing;” meaning that there is not imprisonment if there are no prior convictions. In some cases the sentencing is obviated from one’s record if there is a period of good behavior following the charge.}*

The committee amended the bill to include a provision authorizing the Attorney General, at his discretion, to exempt law enforcement officers from the prohibition against possession stun guns.

The bill was also amended by the committee to include stun guns in the definition of “weapon” in paragraph r. N.J.S. 2C:39-1.

**(Chapter 2C:39-1)**

**(h) Stun guns.** Any person who knowingly has in his possession any stun gun is guilty of a crime in the fourth degree.

**SUMMARY: Possession is banned of AIR TASERS in New Jersey.**

**NEW YORK: Legal for Law Enforcement. Illegal for civilians.**

**New York Consolidated Law (McKinney's) Book 39. Penal Law.**

**Article 265. Firearms and Other Dangerous Weapons 265.00**

**15-a. "Electronic dart gun"** means any device designed primarily as a weapon, the purpose of which is to momentarily stun, knock out or paralyze a person by passing an electrical shock to such person by means of a dart or projectile.

**15-c. "Electronic stun gun"** means any device designed primarily as a weapon, the purpose of which is to momentarily stun, cause mental disorientation, knock out or paralyze a person by passing a high voltage electrical shock to such person.

**Article 265.01 Criminal possession of a weapon in the fourth degree.** A person is guilty of criminal possession of a weapon in the fourth degree when: (1) He possesses any firearm, electronic dart gun, electronic stun gun \*\*\*; or \*\*\*

**SUMMARY: Possession is banned of AIR TASERS in New York.**

**NEW YORK CITY: Legal for Law Enforcement. Illegal for civilians.**

**Administrative Code of the City of New York 10-135 Prohibition on sale and possession of electronic stun guns.**

**a.** As used in this section, "electronic stun gun" shall mean any device designed primarily as a weapon, the purpose of which is to stun, render unconscious or paralyze a person by passing an electronic shock to such person, but shall not include an "electronic dart gun" as such term is defined in section 265.00 of the penal law.

**b.** It shall be unlawful for any person to sell or offer for sale or to have in his or her possession within the jurisdiction of the city any electronic gun.

**c.** Violation of this section shall be a class A misdemeanor. [Exemptions under this section are provided for police officers operating under regular department procedure or guidelines and for manufacturers of electronic stun guns scheduled for bulk shipment. **NOTE: The electronic stun gun is not a "firearm" under the Federal Gun Control Act of 1968 because it does not "...expel a projectile by the action of an explosive..."**]

**SUMMARY: Possession and sales of AIR TASERS are banned in New York City.**

**OHIO – LYNN COUNTY/CEDAR RAPIDS: Unknown if illegal for Law Enforcement. Illegal for civilians.**

**Lynn County Missile Ordinance. Unknown code.** Per Capt. Galen Schwarz of Lynn County, Cedar Rapids, IA, (ph: 319-398-3911) there is a county ordinance that outlaws any device that uses a projectile and "missile" in public. Moreover, any stun gun in public requires the user to have a concealed weapons permit. By literal translation, Capt. Schwartz states that technically, this includes even "snowballs" and the "AIR TASER." **NOTE: The AIR TASER can be used, however, in the place of business or at home.**

**PHILADELPHIA: Legal for Law Enforcement. Illegal for civilians.**

**Philadelphia City Ordinance. Statute 10-825 Stun Guns.** (1) Definitions. (a) Stun Gun. Any device which expels or projects a projectile which, upon coming in contact with a person, is capable of inflicting injury or an electric shock to such person. (2) Prohibited conduct. No person shall own, use, possess, sell or otherwise transfer any "stun gun." (3) Penalty. Any person violating any provision of this section shall be

subject to a fine or not more than three hundred (300) dollars and /or imprisonment for not more than ninety (90 days.)

**RHODE ISLAND: Unknown for illegal for Law Enforcement. Illegal for civilians.**

**General Laws of Rhode Island. Title 11, Chapter 47. Statute Subsection 11-47-42. Weapons other than firearms prohibited.** - (A) No person shall carry or possess or attempt to use against another, any instrument or weapon of the kind commonly known as a \*\*\* stun gun \*\*\*. Any person violating the provisions of this subsection, shall be punished by a fine of not more than five hundred dollars (\$500), or by imprisonment for not more than one (1) year, or both such fine and imprisonment, and the weapon so found shall be confiscated.

**SUMMARY: Possession and use of AIR TASERS are banned.**

**WISCONSIN: Legal for Law Enforcement. Illegal for civilians.**

**Wisconsin Sta. Ann. Chapter 939. Crimes - General Provisions. Chapter 939.22 Words and phrases defined. (10) Dangerous weapon”** means any firearm, whether loaded or unloaded \*\*\*; any device designed as a weapon and capable of producing great harm \*\*\*; any electric weapon, as defined in s. 941.295(4); or any other device or instrumentality which, in the manner it is used or intended to be used, is calculated or likely to produce death or great bodily harm.

**Chapter 941.295 Possession of electric weapon. Subsection (1)** On or after July 1, 1982, whoever sells, transports, manufactures, possesses or goes armed with any electric weapon is guilty of a Class E felony.

**Subsection (4)** In this section, “**electric weapon**” means any device which is designed, redesigned, used or intended to be used, offensively or defensively, to immobilize or incapacitate persons by the use electric current.

**SUMMARY: Possession and sales of AIR TASERS are banned.**

**STATES THAT AIR TASERS ARE RESTRICTED FOR LAW ENFORCEMENT:**

1. MASSACHUSETTS
2. NEW JERSEY

**STATES THAT AIR TASERS ARE RESTRICTED FOR CIVILIANS:**

1. HAWAII
2. INDIANA
3. MASSACHUSETTS
4. MICHIGAN
5. NEW JERSEY
6. NEW YORK
7. RHODE ISLAND
8. WISCONSIN

**CITIES WHERE AIR TASERS ARE RESTRICTED FOR CIVILIANS:**

1. ANNAPOLIS, MD
2. BALTIMORE, MD
3. BALTIMORE COUNTY, MD
4. CHICAGO, IL
5. CEDAR CITY, IA (\*According to customer – concealed weapons permit required – unsubstantiated)
6. DENSON, IA / CRAWFORD COUNTY (\*According to Sheriff Tom Hogan\*)
7. DISTRICT OF COLUMBIA

8. OVERLAND PARK, KS
9. PHILADELPHIA

**COUNTRIES THAT AIR TASERS ARE RESTRICTED**

1. AUSTRALIA (POLICE CURRENTLY TESTING AS OF 10/00)
2. BELGIUM
3. CANADA (POLICE USE ONLY)
4. DENMARK (POLICE USE ONLY)
5. HONG KONG
6. INDIA (POLICE USE ONLY)
7. ITALY
8. JAPAN
9. NEW ZEALAND
10. NORWAY (POLICE USE ONLY)
11. SWEDEN (POLICE USE ONLY)
12. SWITZERLAND (POLICE USE ONLY)
13. UNITED KINGDOM (POLICE USE ONLY)

**NOTE THAT LASER POINTERS ARE ILLEGAL IN THE FOLLOWING AREAS:**  
(Source is 9-16-98 USA TODAY, most of the laws require the owner to be 18 years old)

1. CHICAGO RIDGE, IL
2. OCEAN CITY, MD
3. WESCHESTER COUNTY, NY
4. VIRGINIA BEACH, VA