

AN ACT

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To amend, on an emergency basis, due to congressional review, 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 Congressional Review Emergency Amendment Act of 2017".

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(1) Paragraph (7)(D) is repealed.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

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

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

39 “(E) A stun gun.”.

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

41 “(17A) “Stun gun” means any device designed or redesigned, made or remade, or
42 readily converted or restored, and used or intended to be used offensively or defensively to
43 immobilize or incapacitate a person by the use of electric current or audible, optical, or
44 electromagnetic pulse.”.

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

47 (c) Section 214 (D.C. Official Code § 7-2502.14) is repealed.

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

49 “Sec. 215. Possession of stun guns.

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

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

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

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

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

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

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

65 “Sec. 216. Sale of stun guns.

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

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

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

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

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

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

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

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

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

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

85 Sec. 4. Section 2(a) of An Act To control the possession, sale, transfer, and use of pistols
86 and other dangerous weapons in the District of Columbia, to provide penalties, to prescribe rules
87 of evidence, and for other purposes, approved July 8, 1932 (47 Stat. 650; D.C. Official Code § 22-
88 4502(a)), is amended by striking the phrase “rifle, dirk,” and inserting the phrase “rifle, stun gun,
89 dirk,” in its place.

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

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

93 “(11A) Stun Gun;”.

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

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

99 Sec. 6. Fiscal impact statement.

100 The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact

101 statement required by section 4a of the General Legislative Procedures Act of 1975, approved
102 October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

103 Sec. 7. Effective date.

104 This act shall take effect following approval by the Mayor (or in the event of veto by the
105 Mayor, action by the Council to override the veto), and shall remain in effect for no longer than
106 90 days, as provided for emergency acts of the Council of the District of Columbia in section
107 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788;
108 D.C. Official Code § 1-204.12(a)).

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