

  
Councilmember Charles Allen

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5 AN ACT  
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10 IN THE COUNCIL OF THE DISTRICT OF COLUMBIA  
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15 To amend, on an emergency basis, due to congressional review, the Firearms Control Regulations  
16 Act of 1975 to permit and regulate the possession and sale of stun guns, to repeal the age  
17 requirement for the possession and use of self-defense sprays, and to repeal the registration  
18 requirement for self-defense sprays; to amend An Act To prohibit the introduction of  
19 contraband into the District of Columbia penal institutions to conform the definition of stun  
20 gun; to amend An Act To control the possession, sale, transfer, and use of pistols and other  
21 dangerous weapons in the District of Columbia, to provide penalties, to prescribe rules of  
22 evidence, and for other purposes to provide for an enhanced penalty for committing a crime  
23 while armed with a stun gun; and to amend section 47-2851.03 of the District of Columbia  
24 Official Code to require vendors to obtain an endorsement to the basic business license to  
25 sell stun guns.  
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27 BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this  
28 act may be cited as the "Stun Gun Regulation Congressional Review Emergency Amendment Act  
29 of 2017".

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

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

33 (1) Paragraph (7)(D) is repealed.

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

35 (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)).