
HOUSE BILL 1580

State of Washington 59th Legislature 2005 Regular Session

By Representatives Lovick, Darneille, Miloscia, O'Brien, Chase and Wood

Read first time 01/28/2005. Referred to Committee on Judiciary.

1 AN ACT Relating to the sale and use of projectile stun guns; adding
2 a new chapter to Title 9 RCW; and prescribing penalties.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 NEW SECTION. **Sec. 1.** For the purposes of this chapter, unless the
5 context clearly requires otherwise, "projectile stun gun" means an
6 electronic device which projects wired probes attached to the device
7 that emit an electrical charge and is designed and primarily employed
8 to incapacitate a person or animal.

9 NEW SECTION. **Sec. 2.** (1) No person or business may sell a
10 projectile stun gun in the state of Washington unless the projectile
11 stun gun:

- 12 (a) Has a maximum charge of less than one hundred thousand volts;
13 (b) Has a maximum of less than nine joules of energy per pulse;
14 (c) Has an identification and tracking system which, upon
15 deployment of remote electrodes, disperses coded material traceable to
16 the purchaser through records kept by the manufacturer on all
17 projectile stun guns and all individual cartridges sold, which

1 information shall be made available to any law enforcement agency upon
2 request; and

3 (d) Is manufactured by a company that offers a training program.

4 (2) A person selling a projectile stun gun shall register the
5 identity of the purchaser with the manufacturer of the projectile stun
6 gun. Such identification shall be verified with a government-issued
7 identification, or by verifying the social security number and address
8 of the purchaser.

9 (3) No person or business may sell or give a projectile stun gun to
10 any person who has been convicted of a felony. It is the
11 responsibility of the person selling or giving the projectile stun gun
12 to complete a national criminal history background check to determine
13 if the person purchasing or receiving the projectile stun gun is a
14 felon.

15 (4) A person who violates subsection (1) or (2) of this section is
16 guilty of a misdemeanor.

17 NEW SECTION. **Sec. 3.** (1) A person may not purchase, possess, or
18 use a projectile stun gun that is in violation of section 2(1) of this
19 act.

20 (2) No person who has been convicted of a felony may purchase,
21 possess, or use a projectile stun gun.

22 (3) It is unlawful for any person to carry, exhibit, display, or
23 draw any projectile stun gun in a manner, under circumstances, and at
24 the time and place that either manifests an intent to intimidate
25 another or that warrants alarm for the safety of other persons.

26 (4) Subsection (3) of this section shall not apply to or affect the
27 following:

28 (a) Any act committed by a person while in his or her place of
29 abode or fixed place of business;

30 (b) Any person who by virtue of his or her office or public
31 employment is vested by law with a duty to preserve public safety,
32 maintain public order, or to make arrests for offenses, while in the
33 performance of such duty;

34 (c) Any person acting to protect himself or herself against the use
35 of presently threatened unlawful force by another, or to protect
36 another against the use of such unlawful force by a third person;

1 (d) Any person making or assisting in making a lawful arrest for
2 the commission of a felony; or

3 (e) Any person engaged in military activities sponsored by the
4 federal or state government.

5 (5) Any person violating this section is guilty of a gross
6 misdemeanor.

7 NEW SECTION. **Sec. 4.** Any person who knowingly uses a projectile
8 stun gun against a law enforcement officer is guilty of a class B
9 felony.

10 NEW SECTION. **Sec. 5.** The state of Washington fully occupies and
11 preempts the entire field of regulation of projectile stun guns.
12 Cities, towns, and counties or other municipalities may enact only
13 those laws and ordinances relating to projectile stun guns that are
14 consistent with this chapter. Such local ordinances shall have the
15 same penalties as provided for by state law. Local laws and ordinances
16 that are inconsistent with the requirements of state law shall not be
17 enacted and are preempted and repealed, regardless of the nature of the
18 code, charter, or home rule status of the city, town, county, or
19 municipality.

20 NEW SECTION. **Sec. 6.** Sections 1 through 5 of this act constitute
21 a new chapter in Title 9 RCW.

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