

State of Massachusetts Law on the Use of Electronic Weapons

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Chapter 170 of the Acts of 2004

AN ACT RELATIVE TO THE POSSESSION OF ELECTRONIC WEAPONS.

Whereas , The deferred operation of this act would tend to defeat its purpose, which is to authorize forthwith certain possession and use of electronic weapons, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. [Chapter 140 of the General Laws](#) is hereby amended by striking out section 131J, as appearing in the 2002 Official Edition, and inserting in place thereof the following section:-

Section 131J. No person shall possess a portable device or weapon from which an electrical current, impulse, wave or beam may be directed, which current, impulse, wave or beam is designed to incapacitate temporarily, injure or kill, except: (1) a federal, state or municipal law enforcement officer, or member of a special reaction team in a state prison or designated special operations or tactical team in a county correctional facility, acting in the discharge of his official duties who has completed a training course approved by the secretary of public safety in the use of such a device or weapon designed to incapacitate temporarily; or (2) a supplier of such devices or weapons designed to incapacitate temporarily, if possession of the device or weapon is necessary to the supply or sale of the device or weapon within the scope of such sale or supply enterprise. No person shall sell or offer for sale such device or weapon, except to federal, state or municipal law enforcement agencies. A device or weapon sold under this section shall include a mechanism for tracking the number of times the device or weapon has been fired. The secretary of public safety shall adopt regulations governing who may sell or offer to sell such devices or weapons in the commonwealth and governing law enforcement

training on the appropriate use of portable electrical weapons.

Whoever violates this section shall be punished by a fine of not less than \$500 nor more than \$1,000 or by imprisonment in the house of correction for not less than 6 months nor more than 2 1/2 years, or by both such fine and imprisonment. A law enforcement officer may arrest without a warrant any person whom he has probable cause to believe has violated this section.

SECTION 2. The secretary of public safety shall develop a uniform protocol directing state police and municipal police officers to collect data pursuant to this act. Such data shall include the number of times the device or weapon has been fired and the identifying characteristics, including the race and gender, of the individuals who have been fired upon. Not later than 1 year after the effective date of this act, the secretary of public safety shall transmit the necessary data to a university in the commonwealth with experience in the analysis of such data, for annual preparation of an analysis and report of its findings. The secretary shall forthwith transmit the university's annual report to the department of the attorney general, the department of state police, the Massachusetts Chiefs of Police Association, the executive office of public safety and the clerks of the house of representatives and the senate.