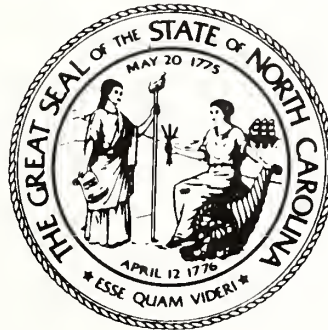


LEGISLATIVE RESEARCH COMMISSION

STUN GUNS



RECEIVED

JUN 6 1986

INSTITUTE OF GOVERNMENT
UNIVERSITY OF NORTH CAROLINA
LIBRARY

REPORT TO THE
1985 GENERAL ASSEMBLY
OF NORTH CAROLINA
1986 SESSION

A LIMITED NUMBER OF COPIES OF THIS REPORT IS AVAILABLE
FOR DISTRIBUTION THROUGH THE LEGISLATIVE LIBRARY.

ROOM 2126, 2226
STATE LEGISLATIVE BUILDING
RALEIGH, NORTH CAROLINA 27611
TELEPHONE: (919) 733-7778

OR

ROOM 500
LEGISLATIVE OFFICE BUILDING
RALEIGH, NORTH CAROLINA 27611
TELEPHONE: (919) 733-9390

TABLE OF CONTENTS

	Pages
Letter of Transmittal to the 1985 General Assembly	ii
LRC Membership	iii
Preface	iv
Stun Gun Study Committee Report	1
COMMITTEE PROCEEDINGS	1
(a) The Nature of Stun Guns	1
(b) The Scientific and Technical Evidence	3
(c) U.N.C. Medical School Notes Potential Hazards	5
(d) Published Reports Examined	5
(e) Laws Regulating Stun Guns Reviewed	6
(f) Public Hearing--Comments and Recommendations	6
of Law Enforcement and other Individuals; The Dilemma of Permitting the General Public to Own Stun Guns	
(e) Legislative Response Debated	10
(g) A New Weapon to Worry About	11
Ballistic Knives	
FINDINGS	12
RECOMMENDATIONS	13
APPENDICES	14



Digitized by the Internet Archive
in 2013

<http://archive.org/details/stungunsreportto00nort>

STATE OF NORTH CAROLINA
LEGISLATIVE RESEARCH COMMISSION
STATE LEGISLATIVE BUILDING
RALEIGH 27611




May 28, 1986

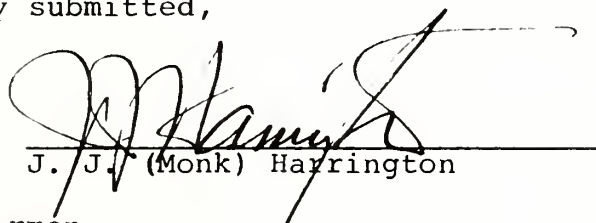
TO THE MEMBERS OF THE 1985 GENERAL ASSEMBLY (1986 Session):

The Legislative Research Commission herewith reports to the 1985 General Assembly (1986 Session) on the matter of Stun Guns. The report is made pursuant to Chapter 790 of the 1985 General Assembly (1985 Session).

This report was prepared by the Legislative Research Commission's Committee on Stun Guns and is transmitted by the Legislative Research Commission for your consideration.

Respectfully submitted,


Liston B. Ramsey


J. J. (Monk) Harrington

Cochairmen
Legislative Research Commission

LEGISLATIVE RESEARCH COMMISSION

Senator J. J. Harrington, Cochairman
Senator Henson P. Barnes
Senator A. D. Guy
Senator Ollie Harris
Senator Lura Tally
Senator Robert D. Warren

Representative Liston B. Ramsey, Cochairman
Representative Christopher S. Barker, Jr.
Representative John T. Church
Representative Bruce Ethridge
Representative Aaron Fussell
Representative Barney Paul Woodard

PREFACE

The Legislative Research Commission, authorized by Article 6B of Chapter 120 of the General Statutes, is a general purpose study group. The Commission is cochaired by the Speaker of the House and the President Pro Tempore of the Senate and has five additional members appointed from each house of the General Assembly. Among the Commission's duties is that of making or causing to be made, upon the direction of the General Assembly, "such studies of the investigation into governmental agencies and institutions and matters of public policy as will aid the General Assembly in performing its duties in the most efficient and effective manner" G.S. 120-30.17 (1).

At the direction of the 1985 General Assembly, the Legislative Research Commission has undertaken studies of numerous subjects. These studies were grouped into broad categories and each member of the Commission was given responsibility for one category of study. The Co-chairmen of the Legislative Research Commission, under the authority of General Statute 120-30.10 (b) and (c), appointed committees consisting of members of the General Assembly and the public to conduct the studies. Co-chairmen, one from each house of the General Assembly, were designated for each committee.

The study of stun guns was authorized by Chapter 790 (S.B. 636) of the 1985 Session Laws. That act specifically authorizes the Commission to consider House Joint Resolution 1390 in determining the nature, scope and aspects of the study. Section 1, House Joint Resolution 1390 reads:

"The Legislative Research Commission is authorized to study the problem of stun guns."

The relevant provisions of Chapter 790, and House Joint Resolution 1390 are included in Appendix A.

The Legislative Research Commission grouped this study in its "Justice" area under the direction of Senator Henson P. Barnes. The Committee was chaired by Representative R. D. Beard, and Senator Timothy H. McDowell. The full membership of the Committee is listed in Appendix B of this report.

STUN GUNS STUDY COMMITTEE REPORT

COMMITTEE PROCEEDINGS

The Committee held its first meeting on March 13, 1986. The first order of business was an attempt to obtain an overview of stun guns and the manner in which they and other electric weapons are used. The widespread availability of the weapons has been due primarily to the advertisement of the product. See for example, The Raleigh News & Observer, October 27, 1985. Some private citizens voiced concern over the danger the devices could pose as a result of this widespread availability. See "The People's Forum -- Stun gun parodied" William B. Crumpler, Raleigh News & Observer, November 1, 1985.

THE NATURE OF STUN GUNS

Stun guns generally refer to electric weapons or devices that are capable of immobilizing or incapacitating a person by use of electric current. Four types were discussed during the Committee deliberations. They were the taser, the NOVA XR 5000, the Zapper, and the Equalizer. The latter three are substantially similar in the way they operate. To orient itself to the nature of these so called stun guns the Committee viewed a video produced by the Burlington City Police Department showing how the taser is used, and showing the effects of an encounter with this weapon. The taser is an electronic device which was first put on the market in late 1970s. The taser can be used to deliver an

electric shock at a short distance by firing two small dart-like objects that can penetrate the skin. It can also be modified to use two antenna-like probes which may be attached to the device. An electric shock strong enough to immobilize a person can be produced by a light touch of the probes.

The Committee also viewed a demonstration of another device known as the NOVA XR 5000. This device is powered by a 9 volt battery. It has two probes extending from the front. When pressed against a person's body they deliver a 50,000 volt electric shock. The shock interrupts the neurological impulses that normally travel through the body to control and direct voluntary muscle movement. When a subject's neuromuscular system is over powered and controlled by NOVA he experiences instant disorientation, loss of balance and usually remains in a dazed, disoriented, somewhat passive condition for several minutes after the contact is ceased. It is said that a shock of 0.5 seconds will startle an individual, having a repelling effect on him. A shock of 1 to 2 seconds will relax the voluntary skeletal muscles; and a shock of 3 to 5 seconds can immobilize an attacker and leave him weak and dazed for a period of 5 minutes or more. There are no cuts, no bruises, no permanent injuries. However, there may be two red marks similar to insects bites which should disappear in a matter of hours. These marks are called the friction abrasion. See, "Controversy Over 'Stun Guns' Heats Up," State Legislatures June 1985.

THE SCIENTIFIC AND TECHNICAL EVIDENCE

Most of the scientific and technical information on stun guns were furnished to the Committee by the manufacturer of the NOVA XR 5000, NOVA Technologies of Austin, Texas. The Company submitted the results of research conducted by Theodore Bernstein, Ph.D., Professor of Electrical and Computer Engineering, University of Wisconsin-Madison. Professor Bernstein in his two scientific papers -- "Evaluation of the Electric Shock Hazard for the Nova XR 5000 Stun Gun," January 22, 1985; and "Understanding the Safety Aspects for the NOVA XR 5000," April 16, 1985 -- said among other things, that the shock from the device "is not dangerous;" that "medical inspection of volunteers undergoing XR 5000 shocks revealed no clinically significant changes to their E.K.G.;" and that if a person wearing a pacemaker is shocked with the device, the pacemaker "may not function during the time of the shock;" but "[a]fter the shock the pacemaker will function normally or at the worst revert to a standby pacing mode and require reprogramming. Under no condition will this be life threatening."

Nova Technologies also submitted the result of a study conducted by Robert A. Stratbucker, M.D., Ph.D., University of Nebraska Medical Center-Omaha. Doctor Stratbucker's research entitled "Safety Technical Evaluation of the Model XR 5000 Electronic 'Stun Gun'," 15 January 1985, was conducted at the request of the Douglas County Nebraska

Sheriff's Office. In his analysis of the potential medical hazard of the stun gun he said, at one point:

"Electrically sensitive subjects--those whose heart rhythms are unstable because of being on certain drugs, or pacemakers, or who have recently had chest surgery or possibly a recent heart attack-- are a special class of individuals in whom lower than normal electrical currents or possibly even the fright of being shocked with the device could conceivably induce medical problems. Some of these possibilities were tested by creating an electrically unstable circumstance in an anesthetized animal and delivering the full output of the Nova XR-5000 directly to the heart muscle by means of an intracardiac electrode catheter.... The study showed no effect on cardiac rhythm or pumping and only a mild and transient effect on blood pressure with direct stimulation to the inside of the heart."
Stratbucker, p.9.

One hazard which was noted was the potential for the device to shock the user especially where moisture was present either from high humidity or when the operator's hands were damp from sweat. See Stratbucker, p.10.

U.N.C. MEDICAL SCHOOL DEPARTMENT OF NEUROLOGY NOTES POTENTIAL HAZARDS

The materials were submitted to the University of North Carolina at Chapel Hill Medical School Department of Neurology for an evaluation. The Department noted that while it seemed that the assertions were reasonable additional research would be required in order to assess the accuracy of the assertions. It was noted, however, that danger could exist if a stun gun such as the NOVA XR5000 was used on the face or the eye of an individual. See letter to the Committee Counsel from James N. Hayward, M.D., University of North Carolina at Chapel Hill, School of Medicine, Department of Neurology. Appendix C.

THE PUBLISHED REPORTS EXAMINED

The Committee reviewed a variety of published reports on stun guns. It noted especially the reports of individuals or law enforcement officers, misusing stun guns. For example, in May of 1985 five New York City police officers were indicted on charges of torturing four men arrested on minor drug charges; in San Antonio a sheriff's lieutenant was given a prison sentence for repeatedly zapping a handcuffed suspect; and Dallas a supermarket clerk was disabled with a stun gun by two robbers. See, "A Stun Gun for Everyone?", Newsweek, April 15, 1985; and "Zap! Stun Guns: Hot But Getting Heat," Time, May 13, 1985.

LAWS REGULATING STUN GUNS REVIEWED

The Committee examined the North Carolina law, as well as the laws of various other states, that regulate stun guns. In North Carolina it is "unlawful for any person, except when on his own premises, willfully and intentionally to carry concealed about his person any ...stun gun...." G.S. 14-269(a). Carrying a concealed stun gun is the only statutory prohibition on the weapon in this State.

The states of Hawaii, Michigan, New Jersey, and Wisconsin have enacted very stringent laws that ban all electronic weapons. In some of these states the laws were enacted in the late 1970s with the development of the taser; but with the introduction of the NOVA XR 5000 the laws have been amended to include it. A synopsis of the more significant provisions of these, as well as the laws of other states are included in this report at Appendix D.

A PUBLIC HEARING -- COMMENTS AND RECOMMENDATIONS OF LAW ENFORCEMENT AND OTHER INDIVIDUALS; THE DILEMMA OF PERMITTING THE GENERAL PUBLIC TO OWN STUN GUNS

The Committee conducted a public hearing to solicit the views of private individuals and law enforcement officials. The public hearing was held during the second meeting of the Committee on April 10, 1986.

During the public hearing, and at the first meeting of the Committee, the comments of various law enforcement agencies and private individuals were heard with respect to how the weapons should be regulated. It was apparent from the variety of opinions expressed that there was no consensus on how stun guns or electric weapons should be regulated. One thing was clear, both at the initial meeting and during the public hearing there was almost unanimous agreement for use of stun guns by law enforcement officers. It was generally claimed that the weapon was an alternative means of force that would reduce injuries and fatalities inflicted by police.

However, there was substantial division on the question of whether the general public should have access to the stun guns. Many law enforcement personnel urged the Committee against allowing the public to use them, saying that stun guns could be used against officers and would provide no protection for citizens. Other law enforcement officers endorsed the public use of devices. The range of opinions on both sides of the issue was varied. The Attorney General's Office, speaking on behalf of North Carolina's Law Enforcement Association's Presidents (LEAP), revealed that at the Association's meeting of March 26, 1986 meeting, unanimously voted to support stun gun legislation which would outlaw stun guns in North Carolina, except for use by law enforcement officers.

The Raleigh Police Department, through its representative, R. T. Justice, said that "stun guns should not be allowed for the general populous. Their department, he said, does not use them, but its position was that "the option should be left to each department to decide whether their use would be advantageous to them under carefully controlled conditions."

Chief of Police, Robert Pierce of the Yadkinville Police Department, expressed the concern if an officer is attacked by a person with a stun gun, he would be rendered helpless and unable to prevent the attacker from taking his, that is the officer's firearm, and killing him if the attacker chose to do so. He recommended that the Committee consider a total ban on stun guns, or ban them except for law enforcement use.

The Kill Devils Hill Police Department, through James H. Gradeless, said that "a person who possesses a stun gun could incapacitate a police officer and disarm him with little trouble." The department unanimously "agreed that it is a superb tool for law enforcement use but not a device that should be placed in the hands of irresponsible persons." He continued "this device could be used successfully to commit the most hideous crimes."

The Cumberland County Sheriff Department said that they opposed the easy availability of stun guns to the general public; and they

believed strongly that the sale and possession of stun guns should be made illegal in the State of North Carolina. "Stun guns need to be treated with the same seriousness as firearms and a permit should be required prior to the purchase of a stun gun".

On the other side of the issue some law enforcement officers endorsed the public use of the devices. For instance, the Assistant Chief of the Wake Forest Police Department argued that the stun gun would give ladies an opportunity to forestall potential rapists. Other individuals viewed the stun gun as a "self defense " weapon. "It absolutely cannot kill anyone, yet it incapacitates your attacker long enough for you to get help or run or both." Mr. Michael Pope, a businessman whose merchandise includes the zapper, addressing the Committee said that "this is a weapon that would enable most victims to do what most of them want to do anyway and that is to just get away or take advantage of a bad situation without hurting anyone physically. This weapon is 100% safer than a gun, knife or club. The stun gun is ideal for senior citizens who are often easy victims and also for anyone is afraid to carry a weapon that might injury someone."

Mr. Wilbur Finch of Raleigh suggested that the stun gun should be banned; but the law should allow certain individuals, who are sick or handicapped, to purchase them with prescription. The written comments of those persons who addressed the Committee are a part of this report, and are in Appendix E.

LEGISLATIVE RESPONSE DEBATED

After considerable input by the various law enforcement agencies, and private individuals, the Committee debated several alternatives for legislative response to the concerns expressed. The legislative actions contemplated were to ban the sale of stun guns totally, to make them illegal to carry on school grounds, to make the possession of the stun gun illegal except for law enforcement officers, and to regulate the sale of stun guns in a fashion similar to the sale of pistols.

In the end the Committee considered two legislative proposals. The first, was to totally ban the possession and sale of electric weapon devices which would include the stun gun to all persons, making an exception for law enforcement officers. The second was to allow the possession and sale to all persons; but increase the severity of the punishment when the weapons were used against law enforcement officers who were in the process of carrying out their official duties. The second proposal also sought to specifically include stun guns in the armed robbery, assault on handicapped persons, weapons on school premises, and other weapon statutes. The proposals were subjected to an exhaustive debate. The Committee's primary concern was to avoid placing the State's law enforcement officers in the position

of having to worry about another weapon in the hands of criminals. This concern forms the basis of It's recommendations for legislative action on stun guns and other electric weapons.

A NEW WEAPON TO WORRY ABOUT -- PROJECTILE KNIVES

At the end of the deliberations which related directly to electric weapons and devices such as stun guns and the taser, the Committee's attention was drawn to a weapon called a "ballistic knife." This is a spring loaded projectile knife which is capable of firing a blade to an effective range of approximately 20 feet and can penetrate the body of an individual at that distance. A sketch of this weapon is in Appendix F. The Committee unanimously agreed this is not just a dangerous weapon, it is a deadly weapon; and its possession should be banned for all individuals including law enforcement officers. Its use can be justified only for genuine education and training purposes.

FINDINGS

After a long and careful deliberation of the issues raised in connection with the possession and use of stun guns, the Committee makes the following findings:

- (1) Stun guns are potentially dangerous weapons.
- (2) They pose a significant danger to law enforcement officers when acting in discharge of their official duties.
- (3) They do not provide any meaningful security for private individuals.
- (4) They pose a significant danger to the public.
- (5) There is insufficient proof upon which to base a judgement that they can be safely used. There is some question as to how a person will be affected if struck in the face or the eye with a stun gun.

RECOMMENDATIONS

After debating the various alternatives, and after careful consideration of all the information presented, the Committee makes the following recommendations:

(1) The General Assembly should consider legislation that will prohibit the possession, sale or use of electric weapons or devices that are capable of immobilizing or incapacitating persons by use of electric current to all private individuals. However, this prohibition should not be applicable to law enforcement officers. Law enforcement agencies should be given authority to incorporate these weapons into their arsenals. The proposed legislation to implement this recommendation is in Appendix G.

(2) The General Assembly should enact legislation that will absolutely prohibit the possession, sale, or use of all "ballistic knives" or weapons of similar nature. The proposed legislation to implement this recommendation is in Appendix H.

APPENDICES:

A. EXCERPTS FROM CHAPTER 790, SESSION LAWS 1985;

A-3. HOUSE JOINT RESOLUTION 1390

B. STUN GUNS STUDY COMMITTEE MEMBERSHIP

C. LETTER TO COMMITTEE COUNSEL FROM UNC MEDICAL SCHOOL

D. STUN GUN LEGISLATION IN OTHER STATES

E. WRITTEN COMMENTS TO THE COMMITTEE

E-1. Comments by Michael J. Pope

E-2. Comments by Tim W. Flowers

E-4. Comments by Donald B. Flowers

E-5. Comments By Wilbur Finch

E-6. Comments By Colonel Jack F. Cardwell, Highway patrol

E-7. Comments by Edmond W. Caldwell, Jr. Assistant Attorney
General

E-8. Comments by Major R.T. Justice, Raleigh Police Dept.

E-9. Comments by George J. Franks, Legal Advisor, Cumberland
County Sheriff Department.

E-10 Comments by O.F. Jones, Sheriff, Cumberland County

E-11 Comments by Robert H. Pierce, Chief of Police,
Yadkinville Police Department

E-12 Comments by James H. Gradeless, Chief of Police,
Kill Devil Hills Police Department

F. SKETCH OF A "BALLISTIC KNIFE"

G. PROPOSED LEGISLATION TO PROHIBIT POSSESSION AND SALE OF
ELECTRIC WEAPONS OR DEVICES

H. PROPOSED LEGISLATION TO PROHIBIT POSSESSION AND SALE OF
SPRING LOADED PROJECTILE KNIVES

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 1985
RATIFIED BILL

CHAPTER 790
SENATE BILL 636

AN ACT AUTHORIZING STUDIES BY THE LEGISLATIVE RESEARCH COMMISSION, MAKING TECHNICAL AMENDMENTS THERETO, AND TO MAKE OTHER AMENDMENTS.

The General Assembly of North Carolina enacts:

Section 1. Studies Authorized. The Legislative Research Commission may study the topics listed below. Listed with each topic is the 1985 bill or resolution that originally proposed the issue or study and the name of the sponsor. The Commission may consider the original bill or resolution in determining the nature, scope and aspects of the study. The topics are:

• • • •

(18) Stun Guns (H. J. R. 1390-McDowell),

• • • •

Sec. 3. Reporting Dates. For each of the topics the Legislative Research Commission decides to study under this act or pursuant to G.S. 120-30.17(1), the Commission may report its findings, together with any recommended legislation, to the 1987 General Assembly, or the Commission may make an interim report to the 1986 Session and a final report to the 1987 General Assembly.

Sec. 4. Bills and Resolution References. The listing of the original bill or resolution in this act is for reference purposes only and shall not be deemed to have incorporated by reference any of the substantive provisions contained in the original bill or resolution.

• • • •

Sec. 7. G.S. 120-30.17 is amended by adding a new subsection to read:

"(9) For studies authorized to be made by the Legislative Research Commission, to request another State agency, board, commission or committee to conduct the study if the Legislative Research Commission determines that the other body is a more appropriate vehicle with which to conduct the study. If the other body agrees, and no legislation specifically provides otherwise, that body shall conduct the study as if the original authorization had assigned the study to that body and shall report to the General Assembly at the same time other studies to be conducted by the Legislative Research Commission are to be reported. The other agency shall conduct the transferred study within the funds already assigned to it."

Sec. 8. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 18th day of July, 1985.

ROBERT B. JORDAN III

Robert B. Jordan III
President of the Senate

LISTON B. RAMSEY

Liston B. Ramsey
Speaker of the House of Representatives

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 1985

HOUSE JOINT RESOLUTION 1390

Sponsors:

Representatives McDowell; Bowman..

Referred to: Rules and Operation of the House.

June 17, 1985

A JOINT RESOLUTION AUTHORIZING THE LEGISLATIVE RESEARCH
COMMISSION TO STUDY STUN GUNS..

Be it resolved by the House of Representatives, the Senate concurring:

Section 1.. The Legislative Research Commission is
authorized to study the problem of stun guns..

Sec.. 2.. The Legislative Research Commission may make a
final report to the 1985 Session of the General Assembly, Second
Session 1986..

Sec.. 3.. This resolution is effective upon ratification..

MEMBERS OF THE
STUN GUNS STUDY COMMITTEE

Sen. Timothy H. McDowell
Cochair
Elon College
Elon College, NC 27244

Rep. R. D. Beard
Cochair
2918 Skye Drive
Fayetteville, NC 28303

Mr. William C. Bailey
Sheriff of Halifax County
Halifax, NC 27839

Rep. J. Fred Bowman
814 N. Graham-Hopedale Road
Burlington, NC 27215

Sen. Laurence A. Cobb
2500 First Union Plaza
Charlotte, NC 28282

Rep. L. M. Brinkley
Route 2, Box 3501
Ahoskie, NC 27910

Sen. Ralph A. Hunt
1005 Crete Street
Durham, NC 27707

Rep. Annie Brown Kennedy
3727 Spaulding Drive
Winston-Salem, NC 27105

Sen. Robert D. Warren
Route 3, Box 25
Benson, NC 27504

Rep. John Bell McLaughlin
Post Office Box 158
Newell, NC 28126

Legislative Research Commission Member

Senator Henson P. Barnes
Post Office Drawer 7
Goldsboro, NC 27530



THE UNIVERSITY OF NORTH CAROLINA
AT
CHAPEL HILL

School of Medicine
Department of Neurology
Tel (919) 966-2526

The University of North Carolina at Chapel Hill
Burnett-Womack Building 229 H
Chapel Hill, N C 27514

Mr. Conrad A. Airall
Committee Counsel
North Carolina General Assembly
Legislative Services Office
2129 State Legislative Building
Raleigh, North Carolina 27611

Dear Mr. Airall:

Dr. Richard N. Johnson, Director of the Curriculum in Biomedical Engineering and myself have reviewed the material which you sent on February 25, 1986 regarding the Nova XR 5000 Stun Gun.

The statements of Dr. Theodore Bernstein of the University of Wisconsin and Dr. Robert Stratbucker of the University of Nebraska Medical Center in Omaha on the Nova XR 5000 are reasonable.

Since these two consultants would appear to have been employed by the manufacturer, Nova Technologies, Incorporated, of Austin, Texas, it might be desirable to obtain some independent corroboration of the specifications of the Nova XR 5000 Stun Gun. In order to do any more extensive evaluation we would have to make measurements on the output of the unit in our Biomedical Research Laboratory.

It seems clear that danger could exist with respect to the use of the Nova XR 5000 Stun Gun on the face and the impact on the eye.

I enclose Dr. Johnson's memo and some reproduced pages relating to the problem at hand taken from Feinberg, "Applied Clinical Engineering" Prentice-Hall, 1986.

If you require any further information please do not hesitate to contact me or Dr. Johnson. I regret that neither he nor I were able to be present at the March 13, 1986 committee meeting in Room 1405 of the State Legislative Building at 10:00 a.m.

With best regards.

Sincerely,

James N. Hayward
James N. Hayward, M.D.
H. Houston Merritt Distinguished
Professor and Chair

JNH:jh
Encl.

CC: Dr. Richard N. Johnson, Professor of Neurology,
Director of the Curriculum in Biomedical Engineering

CURRICULUM IN BIOMEDICAL ENGINEERING
 UNC SCHOOL OF MEDICINE
 152 MacNider Hall 202H

Date 3/10/86

TO: DR HAYWARD
 FROM: R.N.J.

<input type="checkbox"/>	Comment	<input type="checkbox"/>	Information and disposal
<input type="checkbox"/>	Review	<input type="checkbox"/>	Information and return
<input checked="" type="checkbox"/>	Per conversation	<input type="checkbox"/>	As requested
<input type="checkbox"/>	Necessary Action	<input type="checkbox"/>	Circulate and return

REMARKS:

JIM - I FEEL THAT THE STATEMENTS
 MADE BY THE TWO CONSULTANTS
 ON THE NOVA XL 5000 ARE REASONABLE.
 IN ORDER TO DO ANYMORE
 EXTENSIVE EVALUATION WE WOULD
 HAVE TO MAKE MEASUREMENTS ON
 THE OUTPUT OF THE UNIT.

IT SEEMS CLEAR THAT DANGER
 COULD EXIST WITH RESPECT TO
 ITS USE ON THE FACE & THE
 IMPACT ON THE EYE.

DICIL

APPENDIX D

STUN GUN LEGISLATION IN OTHER STATES

Several states have either enacted, or are considering legislation that regulate the possession, sale and use of stun guns. Listed below are the salient provisions of either the enacted laws, or the legislation currently under consideration in 15 states.

FLORIDA

Any person who has "manual possession" of an "electric weapon or device...shall be guilty of a misdemeanor of the second degree,...."

Does not apply to sheriffs, deputy sheriffs, city or town marshals, policemen, or Unites States marshals "as to the carrying of concealed weapons. 790.05.

Defines "electric weapon or device" as "any device which, through the application or use of electrical current, is designed, redesigned, used, or intended to be used for offensive or defensive purposes, the destruction of life, or the infliction of injury. Laws 1976, Ch. 76-165 sec. 1 effective Oct. 1, 1976

The Florida law subjects electric weapons to almost all of the regulation imposed upon firearms by Chapter 490. The unlawfully carrying a concealed electric weapon is a first degree misdemeanor

GEORGIA.

Legislation under consideration H.B. 1109

Defines "firearms" to include stun guns. Penalties for use during the commission of a crime. Felony, 5 years first offense. Second and subsequent offense 10 years with no suspension or probation.

According to the Legislative Counsel, the bill was favorably reported out of the House Committee on Public Safety and will probably be acted upon by the House in the near future.

HAWAII

Defines "Electrical gun" as "any portable device which is electrically operated to project a missile or electromotive force." Livestock prods are excluded.

It is a misdemeanor for "...any person, including a licensed manufacturer, licensed importer or licensed dealer, to possess, offer for sale, hold for sale, sell, give, loan, or deliver to another any electric gun."

ILLINOIS

Bill introduced 2/27/85 Amends the Criminal code of 1961 in relation to stun guns and tasers. Provides that a person commits the offense of unlawful use of weapon when he knowingly sells manufactures, purchases, possesses or carries any stun gun or taser. Exempts peace officers who purchase, possess or carry a stun gun or taser.

INDIANA

A bill (S.B. 225) INTRODUCED JANUARY 7, 1985
Defines "deadly weapons" to include a "device, taser, stun gun,... 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."

Defines "stun gun or taser" as "any mechanism designed to emit an electronic, magnetic, or other type of charge for the purpose of temporarily incapacitating a person."

Makes it a Class A misdemeanor to "knowingly or intentionally [possess], transfer possession of or [offer] to transfer possession of a stun gun or taser...."

Not applicable generally to law enforcement authorities, persons "engaged in the manufacturing, repair, or dealing in stun guns or tasers, or the agent or representative" or any person carrying the weapon in a "secure wrapper from the place of purchase to his dwelling or fixed place of business, or to a place of repair or back to his dwelling or fixed place of business, or in moving from one dwelling to another" or to any person "licensed to carry a handgun"

The law became effective September 1, 1985.

IOWA

Bill introduced Feb. 5, 1985.
Defined "nonlethal electronic device" as a "device which by electronic pulse or current is capable of immobilizing a victim temporarily but is not capable of inflicting death or serious injury upon a human being." The device would not be a dangerous

weapon or an offensive weapon under the relevant statutes. Minors could not possess them, but other persons would be able to. provides that a simple assault using the stun gun is an "aggravated misdemeanor if the victim is a peace officer and a serious misdemeanor if the victim is any other person." Would be inapplicable to shocking devices to move or control livestock.

The bill apparently died in committee.

MICHIGAN

The statutes (750.224a.) provide that it is illegal for a person to "...sell, offer for sale, or 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."

The law however, permits possession by the Department of State Police or any agency or laboratory with prior written approval of, and on conditions established by, the director of the Department for the purpose of testing such device or weapon.

Note: The Department of State Police, relying upon information furnished by the Michigan State University College of Osteopathic Medicine, supported passage of the law because of the belief that the stun gun could "cause fibrillation and cardiac arrest in some victims" and that the taser is dangerous because of the potential for use by criminals.

MINNESOTA

Bill introduced 1984: Defines "electronic incapacitation device" as a "portable device which is designed or intended by the manufacturer to be used, offensively or defensively, to temporarily immobilize or incapacitate persons by means of electric pulse or current."

The bill makes it legal for a person to possess and use the device in defense of the person or the person's property provided the device is labelled with or accompanied with written instructions as to its use and the dangers involved in its use.

Persons under 18 not allowed to possess or use the device.

If a person is prohibited from possessing a pistol permit he may not possess the device.

The bill makes it unlawful for a person to "knowingly or with reason to know, use ... an electronic incapacitation device on or against a peace officer who is in the performance of his duties."

If the device is used in the commission of a crime it is considered a dangerous weapon.

Permits possession, use, and sale of stun guns to law enforcement agencies, peace officers, and other law enforcement authorities.

Gives extensive regulatory authority to counties and municipalities.

Makes it a felony for a person who is legally prohibited from holding a pistol permit to possess or use stun guns.

NEW JERSEY

Under New Jersey law (P.L. 1985 Chapter 360) the stun gun is included in a list of weapons capable of lethal use or of inflicting serious bodily injury. The law defines "stun gun" as any weapon or other device which emits an electrical charge or current intended to temporarily or permanently disable a person. The provisions are not applicable to: (1) members of the armed forces of the U.S. or National Guard, or law enforcement officers, and (2) law enforcement officers exempted by the Attorney General.

The law prohibits the possession of stun guns by any person, including a law enforcement officer. Violation is considered a "crime of the third degree." A crime of third degree carries a penalty of imprisonment for 3 to 5 years, a fine of up to \$7,500, or both.

The statement of justification for the enactment of the law states:

"Recent accounts of the ease with which the public, including criminals, can obtain stun guns indicated the need for a law prohibiting their sale and possession. Health experts have expressed doubts about the safety of stun guns, especially when used on pregnant women, persons with pacemakers, and children. Given the existence of these safety questions, stun guns should be banned for use not only by members of the public but also by law enforcement officers."

NEW MEXICO

The law makes it "unlawful for any person to use a stun gun in the commission of a felony." Defines "stun gun" as a "hand-held electronic pulse weapon which, when applied directly to a person,

attacks the central nervous system, temporarily immobilizing the person to whom it is applied."

"Aggravated assault" consist of assaulting or striking another with a stun gun. A person who commits an aggravated assault is guilty of a fourth degree. Third degree felony if aggravated assault on a peace officer.

NEW YORK

The New York Assembly considered, at the request of the New York City Mayor's Office, a bill that would broaden the scope of the existing prohibition on the possession of "electronic dart guns, to include other electronic guns. The bill eliminates from the definition of "electronic dart gun" the requirement the the electrical shock be passed "by means of a dart projectile." In addition, the definition is expanded to include all such devices that "stun" or "cause mental disorientation." Amend the Penal Law to make possession of electronic gun the criminal possession of a weapon a class A misdemeanor.

The justification statement for the law reads in part:

"Recently, electronic guns known as stun guns, have received a great deal of notoriety and have been widely advertised as being available to the general public. These guns, which emit volts of electricity, have the capability of completely immobilizing the person touche by the gun for a period of time.

The possession of electronic guns is a menace to the public health, peace, safety and welfare of the people of the State. These devices may be used by criminals to subdue and disable their victims and commit crimes against them.

Current law prohibits electronic guns which momentarily stun by means of a dart of projectile. Technological developments have rendered the current prohibition of electronic dart guns inadequate to protect society from new varieties of similar weapons. Possession of weapons should be outlawed."

A later version of the bill appears to recognize that the weapon is "valid and viable instrument for law enforcement."

No action has been taken by the New York Senate but passage is being sought in 1986.

NORTH DAKOTA

A law passed April 15, 1985, defines "dangerous weapons" to include stun guns. A person who uses a stun gun to commit a felony or "misdemeanor involving violence or intimidation" and is arrested and convicted for the same forfeits the weapon. Convicted felons are prohibited from using or possessing stun guns.

OHIO

A bill was introduced for consideration in early 1985. The bill provides for two classes of "electronic stun weapons." A class one weapon is one which causes death, and a class two weapon is one capable of causing injury to a person but not capable of causing death.

Prohibits the sale or possession of a "class one" electronic stun weapon. Exception to law enforcement authorities. No person shall sell or possess a "class two" electronic weapon.

The bill is still in the House judiciary committee. It was a tabled some time ago with the idea of maintaining the legal status based upon the rationale that it was inconsistent to have a State with gun control or the lack thereof where one can purchase any kind of gun on wishes but to make stun guns illegal. Starting to see that development, such as the use by some law enforcement officers in other states for extracting confession from inmates and some use by criminal elements.

The sponsor, Rep. Jones, decided that in light of the State's existing gun laws, the time was not ripe to consider the stun gun legislation. Furthermore, in order to get a better grasp of the "high tech" features of the weapon action will be "held off." So it is unlikely that the bill will be acted upon by the present (i.e 1986) Indiana General Assembly.

SOUTH DAKOTA

The Legislature is considering a bill that defines stun guns as "any battery-powered, pulsed electrical device of high voltage and low or no amperage that can disrupt the central nervous system and cause temporary loss of voluntary muscle control of a person".

In addition, the bill provides that any person who commits or attempts to commit any felony when armed with a stun gun is guilty of a Class 5 felony (second and subsequent offenses is a Class 3 felony). Sentences imposed for stun gun crimes are to "be consecutive to any other sentences imposed for a violation of the principal felony."

WISCONSIN

On and after July 1, 1982 a person who "sells, transports, manufactures, possesses or goes armed with any electric weapon is guilty of a Class E Felony.

The law defines "electric weapon" to mean "any device which is designed, redesigned, used or intended to be used, offensively defensively, to immobilize or incapacitate persons by use of electric current." In addition, the makes an exception for law enforcement officers generally, manufacturers or sellers whose stun guns are used in the State "solely" by peace officers and corrections personnel while on official duty.

Michael J. Pope
236 SEAWALL AVE.
RAL. N.C. 27610

APR 9 1986

4/7/86

RECEIVED

DEAR ATTORNEY AIRALL, my name is Michael Pope. I am presently a dealer of the 45,000 volt ZAPPER STUN GUN. This is the safest most unique self defense weapon I've seen. This weapon is powered by a 9 volt alkaline battery and in 3-5 seconds it causes a loss of balance and muscle control, also total mental confusion and disorientation leaving the attacker dazed. This is a weapon that will enable most victims to do what most of them want to do anyway and that is to just get away or take advantage of a bad situation without hurting anyone physically. This weapon is 100% safer than a gun, knife or club. The ZAPPER STUN GUN is ideal for senior citizens who are often easy victims and also for anyone who is afraid to carry a weapon that might injure someone. The ZAPPER is easy to carry and use. People ask; won't I get shocked also if someone is holding me? No, there is no charge back from the STUN GUN. It's true that anything can be misused but I feel that if a stiff non-suspendable court fine is added it will greatly reduce the thought of misuse. Sir, this is a weapon that has been needed for years, and as I stated before it is safer than the use of a gun, knife, club, mace, and even martial arts, because it causes no permanent damage. Therefore I don't see any reason a responsible citizen of age 18 and older should not be allowed to purchase and carry this self-defense weapon.

Thank You
M J Pope

NOVA XR-5000 stun gun

Tim W. Flowers
Rt. 1, Box 500
Wilson, NC 27893
April 07, 1986

I would like to talk to you today about why I believe stun guns should remain legal, why I purchased one, and why I promote their use by law-abiding citizens.

To accomplish this, I will tell you of my personal involvement with the units.

I've owned a Nova XR-5000 for about one year. I manage a convenience store in Wilson. I can tell you from experience that when you work in a store, you need some kind of protection. The company provides you with none; you're basically on your own. Over the years, I've had a lot of problems, mostly from drunks. You don't know how angry a man can be until you refuse to sell him a bottle of wine. Drunks tend to be loud, obnoxious, and quite violent. In the past, I've been lucky. People have come across the sales counter, backed me into a corner, and threatened to remove parts of my body, but so far, I've lost no blood. Tomorrow could be the day when my luck runs out.

Besides drunks, Problems could occur when I take the store's deposit to the bank. Recently in another state, a manager was leaving his store in the daytime, when two men armed with clubs beat the manager to death right in front of customers who were pumping gasoline in to their cars. The customers chased the attackers, who had also taken the deposit, but they could not be caught, nor were they identified.

It would be nice if we could depend on the police in these situations, but we can't. Certainly the police work hard, but they can't be everywhere at once. They can respond to crime, but there is little they can do to prevent it. Also, when they do respond, often its too late. Just try to get a police officer to your house in less than 15 minutes. I've seen instances where the response time was no less than $\frac{1}{2}$ of an hour.

I felt that I needed some form of protection at work. I wanted something that was effective, but safe. I considered the alternatives of a handgun, a knife, a baton, and MACE, But I couldn't justify the use of these items in a store. They are either too dangerous or too impractical. I decided that a stun gun was the only thing that would do the job for me.

I first carried my stun gun at work, but now I carry it everywhere. I've never had to use it on anyone, but I keep it ready, just in case. The XR-5000 provides me with security and better peace of mind, without all of the potential liabilities of other defensive products.

People have asked me if I'm afraid that my stun gun may be used against me. I always answer "no". First, I keep the unit very close to me, with my hand on it if possible when in a group of people. There is little chance that it could be taken away. But if it was taken away, I would much prefer to be "stunned" than attacked in any other way. I can run from a stun gun, but I can't out run bullets. Also, a stun gun won't kill or injure; it will only make me fall to the floor. I'd be getting up from the floor, rather than from a hospital bed.

I am sold on stun guns. It's the best protection a person can have. I wish I could give each of you an XR-5000 to try for just 1 week. At the end of that week, I believe that you would like the units just as much as I do.

Thank you.

Tim W. Flowers
pg. 2 of 2

Hello, my name is Don Flowers. I live just outside of Lucama in Wilson County, North Carolina. I am an electronics technician for the Wilson County Board of Education. My reason for being here is to express my opinion on stun guns.

My initial interest in some form of self defense stemmed from my weekend employment at a local radio station. My schedule had me signing off at midnight. The studio was not within screaming range of any help, and the parking area was dimly lit at best. It was not unusual to find people with no connection to the station sitting in their parked cars in the shadows of the building at 11:30 or 12:00 at night. Now, I don't know about your area of the state, but where I'm from it seems any law enforcement is always at least 20 minutes away. So, common sense told me I needed an edge. Even if it only bought me a little time, seconds could be crucial.

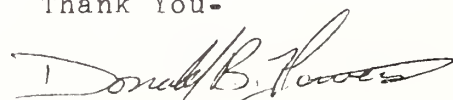
I checked into buying a handgun, but their disadvantages overwhelmed me. To me the biggest problem with firearms is the potential legal implications for just trying to protect yourself. Not to mention the fact that people look at you real funny when you walk into a bank with a gun on your hip.

The stun gun was the solution to my dilemma. It is compact and doesn't call much attention to itself. Most of the people who have seen it thought it was a pager. It absolutely cannot kill anyone, yet it incapacitates your attacker long enough for you to get help or run or both.

What about criminals with stun guns? Consider two scenarios. In scenario number one picture yourself lying on the asphalt beside your automobile, a drug starved lunatic looming over you with a stun gun. He applies the unit to your arm and takes your wallet. Ten minutes later you're back on your feet reporting the incident to the police. In scenario number two the attacker has a switchblade knife. I won't go into the details over what happens next.

In my opinion the stun gun is the ideal self defense for the law abiding citizen. For the sake of our families and ourselves, lets keep stun guns available in North Carolina.

Thank You-



Wilbur Finch
600 Glen Eden Drive
Raleigh, N.C. 27612

April 3, 1986

Ph: 737-5562

Reference: Public hearing on stun gun.

I see a need to address the issue of who, if anyone, be licensed to own a stun gun.

People that have physical handicaps and are unable to defend themselves, should be given a permit to own one for self defense. It would require a doctors perscription with application for permit.

I do not approve of the general public having them.

I wish to appear before the stun gun committee hearing and discuss this exemption on banning use of the stun gun.



Wilbur Finch



North Carolina Department of Crime Control and Public Safety
512 N. Salisbury Street • P.O. Box 27687 • Raleigh, NC 27611-7687

James G. Martin, Governor
Joseph W. Dean, Secretary

10 April 1986

State Highway Patrol
(919) 733-7952

MEMORANDUM

TO: LEGISLATIVE STUN GUN COMMITTEE

FROM: COLONEL JACK F. CARDWELL 

We feel it is not in the best interest of law enforcement for the general public to possess this weapon, as it should be considered a lethal weapon. Although it is not our intent to utilize the stun gun at this time, we feel some law enforcement agencies may have a need for this instrument.

JFC:nsc



State of North Carolina

Department of Justice

P.O. BOX 629

RALEIGH

27602-0629

April 3, 1986

LACY H. THORNBURG
ATTORNEY GENERAL

RECEIVED

APR 10 1986

GENERAL RESEARCH DIVISION

Mr. Conrad A. Airall
Committee Counsel
Stun Gun Study Committee
Legislative Research Commission
Legislative Office Building, Room 545
Raleigh, North Carolina 27611

Dear Mr. Airall:

This letter is to request that I be permitted to appear and be heard at the Stun Gun Public Hearing at 10:00 a.m. on April 10, 1986.

I serve as Attorney General Thornburg's liaison with law enforcement officers, agencies and associations across North Carolina. In that capacity, I coordinate regular meetings that Judge Thornburg has with North Carolina's Law Enforcement Associations' Presidents (LEAP).

At its March 26, 1986 meeting, the LEAP group unanimously voted to support stun gun legislation which would outlaw stun guns in North Carolina, except for use by law enforcement officers. My appearance before the Stun Gun Study Committee will be to convey that information to the Committee. Additionally, I believe various law enforcement agencies will have representatives at the Committee's meeting.

Should you have any questions, please give me a call at 733-4723.

Sincerely,

LACY H. THORNBURG
Attorney General

Eddie Caldwell

Edmond W. Caldwell, Jr.
Assistant Attorney General

EWCjr/mp

cc: Senator Timothy H. McDowell
Representative R.D. Beard



City Of Raleigh
North Carolina

April 7, 1986

Mr. Conrad Airall
Room 545 Legislative Office Building
Raleigh, NC 27611

RE: STUN GUNS

Dear Mr. Airall:

It is our strong position that stun guns should not be allowed for the general populace. We see their potential for misuse as extremely dangerous.

Although, the Raleigh Police Department does not use them we feel that the option should be left to each department to decide whether their use would be advantageous to them under carefully controlled conditions.

Sincerely,

Frederick K. Heineman
Chief of Police

R. T. Justice, Major
Commanding Officer
Investigative Division
Raleigh Police Department

RTJ/sg

RECEIVED

APR 9 1986

GENERAL RESEARCH DIVISION

CUMBERLAND COUNTY SHERIFF DEPARTMENT

Phone 919/323-1500 :—: 131 Dick Street
 Fayetteville, North Carolina 28301

O. F. JONES
 Sheriff



February 25, 1986

Mr. Conrad A. Airall
 Room 545
 Legislative Office Building
 Raleigh, North Carolina 27611

Dear Mr. Airall:

As Legal Advisor to the Cumberland County Sheriff's Department, I would like to make known my concerns about the availability and accessibility of stun guns to the general public. It is my belief that the purchase and ownership of stun guns should be illegal in the State of North Carolina. If that is not a realistic alternative, at a minimum, citizens should be required to obtain a permit prior to buying a stun gun. I realize that this equates stun guns with firearms; however, it is my impression that stun guns require the same consideration that firearms require.

If you have any questions, please feel free to contact me.

Sincerely,

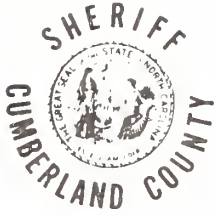
GEORGE J. FRANKS
 Legal Advisor

RECEIVED

GJF:sss

FEB 26 1986

GENERAL RESEARCH DIVISION

CUMBERLAND COUNTY SHERIFF DEPARTMENT

Phone 919/323-1500 :—: 131 Dick Street
Fayetteville, North Carolina 28301

O. F. JONES
Sheriff

February 25, 1986

Mr. Conrad A. Airall
Room 545
Legislative Office Building
Raleigh, North Carolina 27611

Dear Mr. Airall:

Please be advised that I, and many of my staff, oppose the easy availability of stun guns to the general public. We believe strongly that the sale and possession of stun guns should be made illegal in the State of North Carolina. At a minimum, stun guns need to be treated with the same seriousness as firearms and a permit should be required prior to the purchase of a stun gun.

Thank you for your consideration in this matter. If you have any questions, feel free to contact me.

Sincerely,

O. F. JONES
Sheriff

OFJ:sss

RECEIVED

FEB 26 1986

GENERAL RESEARCH DIVISION

YADKINVILLE POLICE DEPARTMENT

P. O. DRAWER 816

YADKINVILLE, N. C. 27055

TOWN HALL
JACKSON & HEMLOCK STREETS
TELEPHONE (919) 679-2863

EMERGENCY CALLS
24 HOURS
(919) 679-8874

April 7, 1986

Stun Gun Study Committee
Legislative Service Commission
State Legislative Building
Raleigh, North Carolina 27611

Dear Committee Members:

I regret I will be unable to attend the Committee Hearing on April 10, 1986 in regard to any proposed Stun Gun Legislation.

This department does not have any Stun Guns in use, nor does it have any immediate plans to acquire any for use.

My chief concern about this weapon is if it is used unlawfully against a law enforcement officer, the officer is not authorized by law to resort to deadly force to defend himself from an unlawful attack. If he is attacked by a person with a stun gun, he would be rendered helpless and unable to prevent the attacker from taking his firearm and killing him, if the attacker chose to do so.

Even if the stun gun was classified as a dangerous weapon, I do not feel a law enforcement officer would be justified legally or morally to resort to deadly force to defend himself from an attack that would only temporarily render him helpless. But, at the same time, the officer would be left at the mercy of the attacker to take the officer's firearm and kill him. I do not feel an officer should be left in this situation.

Therefore, I recommend the Committee consider either:

1. A total ban of Stun Guns or
2. Ban stun guns, except for law enforcement use.

Thank you for any consideration you can give to my comments.

Sincerely,

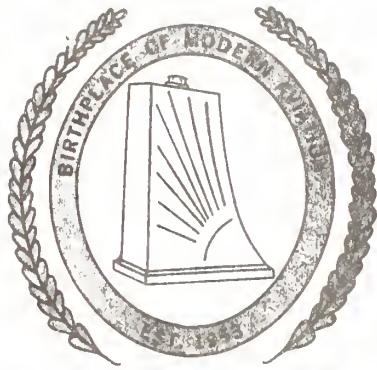


Robert H. Pierce
Chief of Police

RECEIVED

APR 8 1986

GENERAL RESEARCH DIVISION



Kill Devil Hills Police Department

1634 North Croatan Highway
 Post Office Box 1605 — Kill Devil Hills, N.C. 27948
 Telephone: (919) 441-7491

James H. Gradeless
 Chief

April 4, 1986

RECEIVED

APR 4 1986

GENERAL RESEARCH DIVISION

Mr. Conrad Airall
 Committee Council
 Stun-gun Study Committee
 Legislative Office Bldg., Rm. 545
 Raleigh, North Carolina 27611

Dear Mr. Airall:

In response to a message from the Attorney General's office in regard to the stun-gun situation, the Kill Devil Hills Police Department does have an interest in this type of legislation.

One of our officers had an occasion in the recent past to affect an arrest where the arrestee had a stun-gun concealed in his car. The arrestee has historically been involved in simple affrays since he was a high school student. This person has served eighteen months in a North Carolina correctional center. Fortunately, there was no struggle or attempted use of the stun-gun in this particular incident.

After this incident the department conducted several exercises involving the stun-gun to see and understand its effectiveness. The stun-gun was applied to several of our officers in a controlled way. We discovered that if this weapon is applied it can completely incapacitate an individual.

Most all physical resistance against arrest is done in close quarters or in a body contact manner. A person who possesses a stun-gun could incapacitate a police officer and disarm him with little trouble. We have found that it renders you helpless, impairs your ability to defend yourself. We, at this department, unanimously agree that it is a superb tool for law enforcement use but not a device that should be placed in the hands of irresponsible persons.

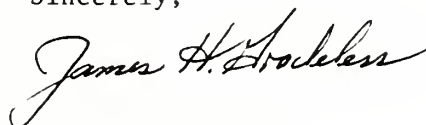
This device could be used successfully to commit the most hideous crimes. It is most intimidating to a majority of persons, just in the fact that we all have healthy respect for electricity or, in some cases, an extreme fear of it. A police officer confronting a person who displays a stun-gun will likely draw his revolver, his last trump card. This could result in a very tragic situation, all because of the availability of a weapon of this nature.

Mr. Airall, I would urge you to please reproduce this letter for each person on the study committee in order for them to realize how we here at the Kill Devil

Hills Police Department feel.

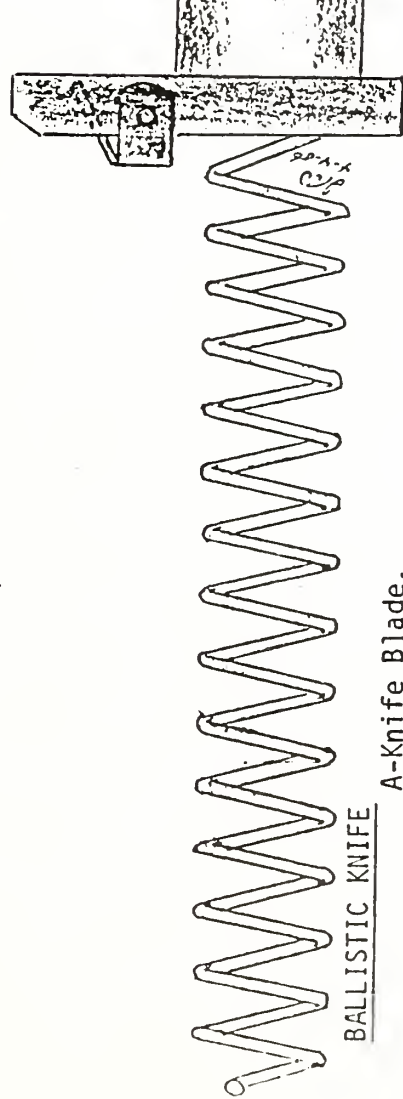
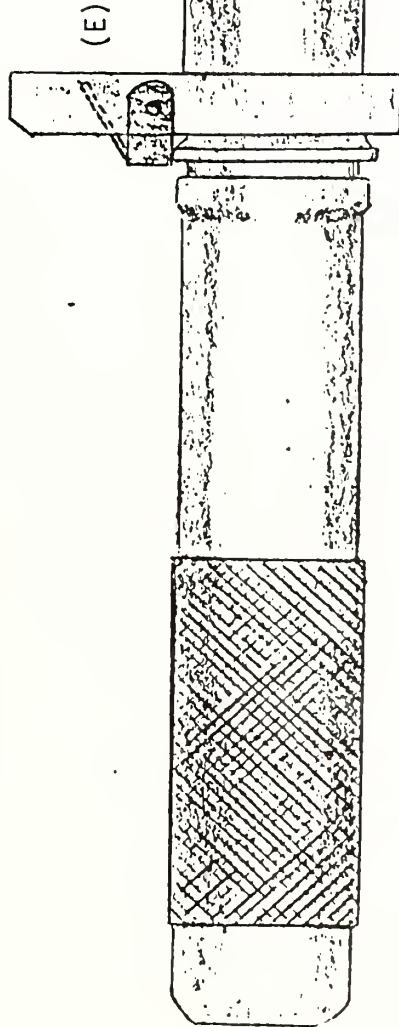
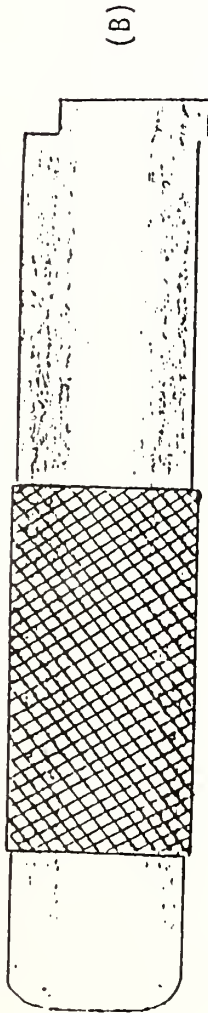
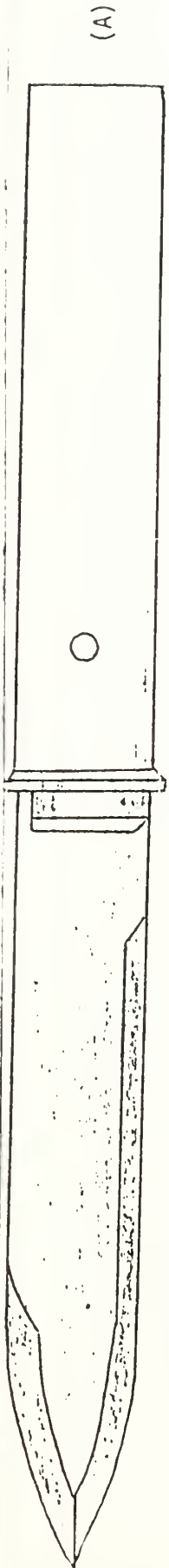
We hope that legislation will be drafted, submitted and passed by our lawmakers so that a ban on public use of stun-guns will be imposed by statute.

Sincerely,

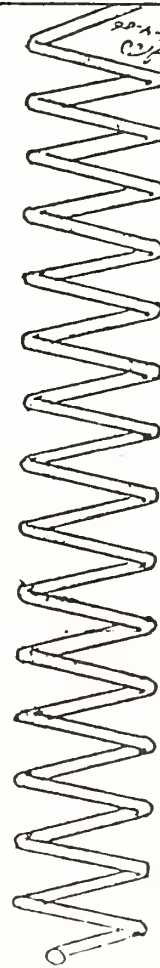
A handwritten signature in cursive script that reads "James H. Gradeless".

James H. Gradeless
Chief of Police

JHG:bjm



(E)



BALLISTIC KNIFE

- A-Knife Blade.
- B-Cap.
- C-Fully assembled Ballistic Knife
- D-Ballistic Knife, after firing.
- E-Trigger.

Cap (B) is slid over knife blade (A), (A) and (B) are then inserted over the spring of (D) until it locks. To fire, the Trigger (E) is depressed. The Ballistic Knife can be fired with the cap on or off, either way, it is very dangerous. These knives are being sold in the Fayetteville area.

SESSION 19 85

C-045 4/10/86

INTRODUCED BY:

Referred to:

1

A BILL TO BE ENTITLED

2

AN ACT TO PROHIBIT THE POSSESSION AND SALE OF ELECTRIC WEAPONS
OR DEVICES.

3

4

The General Assembly of North Carolina enacts:

5

6

Section 1. Article 35 of Chapter 14 of the General
Statutes of North Carolina is amended by adding a new section
G.S. 14-269.5 to read:

7

8

"G.S. 14-269.5 Possession and Sale of electric weapons or
devices prohibited. -- (a) On and after October 1, 1986,
it shall be unlawful for any person to possess, offer for
sale, hold for sale, sell, give, loan, deliver, transport,
manufacture or go armed with any electric weapon or
device. For purposes of this section an electric weapon
or device means any device which is designed, redesigned,
used or intended to be used, offensively or defensively,
to immobilize or incapacitate persons by use of electric
current. It includes weapons commonly referred to as
"stun guns" or "tasers" or other hand-held electronic
pulse weapon which, when applied directly to a person,
attacks the central nervous system, and temporarily or
permanently immobilizes the person.

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

1 (b) This prohibition shall not apply to the following
2 persons:

3
4 (1) Officers and enlisted personnel of the armed forces
5 of the United States when in discharge of their
6 official duties as such and acting under orders
7 requiring them to carry electric weapons or devices;

8
9 (2) Civil officers of the United States while in the
10 discharge of their official duties;

11
12 (3) Officers and soldiers of the militia and the
13 national guard when called into actual service;

14
15 (4) Law Enforcement Officers of the State, or of any
16 county, city, or town, when acting in the discharge
17 of their official duties;

18
19 (5) Full-time sworn law-enforcement officers, when
20 off-duty, in the jurisdiction where they are as-
21 signed, if:

22
23 a. Written regulations authorizing the carrying of
24 electric weapons or devices have been filed with
25 the clerk of superior court in the county where
26 the law-enforcement unit is located by the
27 sheriff or chief of police or other superior
28 officer in charge; and

1 b. Such regulations specifically prohibit the
2 carrying of electric weapons or devices while
3 the officer is consuming or under the influence
4 of alcoholic beverages.

5
6 (6) Manufacturers or sellers whose electric weapons or
7 devices are used in this state solely by the persons
8 specified in subdivision (1) through (5) of this
9 subsection.

10
11 (7) Common carriers transporting electric weapons or
12 devices.

13
14 (c) Any person violating the provisions of this section
15 shall be guilty of a misdemeanor, and shall be punished by
16 a fine not to exceed five hundred dollars (\$500.00),
17 imprisonment for not more than six months, or both."

18
19 Sec. 2. Robbery With Firearms or Other Dangerous
20 Weapons. G.S. 14-87 is amended as follows:

21 1. Subsection (a) is amended by inserting after the words
22 "dangerous weapons" the following: ", or any electric
23 weapon or device as defined in G.S. 14-269.5".

24 2. Subsection (d) is amended by rewriting the first two
25 sentences of the subsection to read:

26 "Notwithstanding any other provision of law, with the
27 exception of persons sentenced as committed youthful
28 offenders, a person convicted of the robbery with firearms

1 or other dangerous weapon, or with an electric weapon or
 2 device, as defined in G.S. 14-269.5, shall serve a term of
 3 not less than seven years in prison, excluding gain time
 4 granted under G.S. 148-13. A person convicted of robbery
 5 with firearms or other dangerous weapon, or with an
 6 electric weapon, as defined in G.S. 14-269.5, shall
 7 receive a sentence of at least 14 years in the State's
 8 prison and shall be entitled to credit for good behavior
 9 under G.S. 15A-1340.7."

10 Sec. 3. Carrying Concealed Weapons. G.S. 14-269(a)
 11 is amended by deleting the words "stun gun", and by adding at
 12 the end of the subsection the following:

13 "It shall be unlawful for any person willfully and inten-
 14 tionally to carry concealed about his person an electric
 15 weapon or device as defined in G.S. 14-269.5."

16 Sec. 4. This act shall become effective October 1,
 17 1986.

18
 19
 20
 21
 22
 23
 24
 25
 26
 27
 28

INTRODUCED BY:

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO PROHIBIT THE POSSESSION AND SALE OF SPRING LOADED
3 KNIVES.

4 The General Assembly of North Carolina enacts:

5 Section 1. Article 35 of Chapter 14 of the General
6 Statutes of North Carolina is amended by adding a new section
7 G.S. 14-269.6 to read:

8 "G.S. 14-269.6 Possession and sale of spring loaded
9 projectile knives prohibited. -- (a) On and after October
10 1, 1986, it shall be unlawful for any person including law
11 enforcement officers of the State, or of any county, city,
12 or town to possess, offer for sale, hold for sale, sell,
13 give, loan, deliver, transport, manufacture or go armed
14 with any spring loaded projectile knife, a ballistic
15 knife, or any weapon of similar character. Except that
16 it shall be lawful for a law enforcement agency to possess
17 such weapons solely for evidentiary, education or training
18 purposes.

19 (b) Any person violating the provisions of this section
20 shall be guilty of a misdemeanor and upon conviction shall
21 be punished in the discretion of the court by fine or
22 imprisonment or by both.

23 Sec. 2. This act shall become effective October 1,
24 1986.

