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STATE REPRESENTATIVE • 2nd ASSEMBLY DISTRICT

Hearing Testimony
Assembly Committee on Criminal Justice and Public Safety
February 8, 2024
Assembly Bill 684

Chairman Spiros and members of the Assembly Committee on Criminal Justice and Public Safety – Thank you for giving me the opportunity to testify on AB 684, relating to eliminating the prohibitions on electric weapons and providing a penalty.

In *District of Columbia v. Heller* (2008), the Supreme Court proclaimed that self-defense is the core interest protected by the Second Amendment. Although the case focused on firearms, self-defense does not necessarily have to be conducted with a lethal weapon. The free market offers multiple options, such as pepper sprays and stun devices. However, some of these products have not been able to be sold in several states due to restrictive laws.

Just a couple of sessions ago, the governor signed a bill we passed that allowed Wisconsinites to obtain CS gel. However, Wisconsinites are not allowed to obtain stun devices to carry without a CCW permit. That law also prohibits businesses (see: damselsindefense.net) from selling such products and shipping them to Wisconsinites. Wisconsin is only one of ten states that still has this restriction, unlike California, New York, New Jersey, and Minnesota. SB 641 would have Wisconsin join those states and allow its citizens to have additional options to provide safety for themselves in self-defense.

Senator James and I worked with multiple law enforcement organizations in the crafting of this legislation. The primary request was to make sure individuals who are prohibited from owning firearms are also not allowed to obtain these stun devices. We made sure to clarify that in the bill.

This legislation has the support of the Badger State Sheriffs' Association, WI Sheriffs and Deputy Sheriffs Association, WI Firearm Owners, and WI Family Action.

I appreciate the opportunity to testify on this legislation and would gladly answer any questions the committee may have.



February 8th, 2024

Representative Spiros, Chair

Members of the Assembly Committee on Criminal Justice and Public Safety

Testimony on 2023 Assembly Bill 684

Relating to: eliminating the prohibitions on electric weapons and providing a penalty.

Thank you, Chairman Spiros and other members of the committee, for hearing my testimony on Assembly Bill 684 today. This legislation aims to help make it easier for people to protect themselves with effective, less lethal means.

In a report published by the U.S. Department of Justice Office of Justice Programs, the Department of Justice defined electronic control weapons as “non-lethal” or “less lethal” weapons. These self-defense tools are geared toward incapacitating or distracting an attacker, not causing great bodily harm. Allowing individuals to freely carry electronic-controlled weapons offers another form of self-defense. The United States Supreme Court upheld the right to carry electric weapons in 2016 under *Caetano v. Massachusetts*. Jaime Caetano brought the case to the Supreme Court after convicted of possession of stun gun, which she used to protect her against her abusive ex-boyfriend. The Court held that, although stun guns were not common during the enactment of the Second Amendment, they are included in the Second Amendment’s protections, which was consistent with their previous ruling in *District of Columbia v. Heller*. Here’s an example that happened right here in Wisconsin. An armed robbery was stopped by a man who simply pulled out his Taser in 2015, preventing a worse outcome for everyone in the bar that night. It is instances like these that help the argument that electronic controlled weapons should be removed from the CCW permit, allowing anyone to freely carry them.

Currently in Wisconsin, it is a Class H felony to sell, transport, manufacture, possess or goes armed with any electric weapon. The exceptions for this are peace officers, military personnel, and a corrections officer on duty, any manufacturer without intent to sell to someone who cannot possess an individual acting as a common carrier transporting the device, and someone possessing the weapon on their own property or has a concealed carry license. Wisconsin is only one of the few states that does require a CCW to possess and carry an electric weapon such as a stun gun or a Taser. This proposal removes those prohibitions except for individuals who are also prohibited from possessing a firearm.

Simply put less-lethal, electronic control devices are covered by the Second Amendment. We should remove the requirement of these devices to be covered under the CCW license. This is another way for our Wisconsin citizens to protect themselves, and be safe. Thank you and I will take any questions at this time.

Respectfully,

A handwritten signature in black ink, appearing to read "Jesse James".

Senator Jesse James

23rd Senate District

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