



ORDINANCE NO. 28433

1 AN ORDINANCE relating to public safety; amending Chapter 8.66 of the
2 Tacoma Municipal Code, relating to Weapons, to decriminalize the sale,
3 manufacture, purchase, possession, or carrying of any electroshock
4 device in the City of Tacoma.

5 WHEREAS an electroshock device is defined, in relevant part, as “any
6 electric or other conductive energy device such as a TASER, stun gun, or other
7 device designed to deliver an electronic charge, which apparently is capable of
8 producing bodily harm or incapacitation to any degree, whether directly from the
9 device or through a missile or projectile,” and

10 WHEREAS the City is currently among a handful of jurisdictions in the
11 nation that regulate the possession of electroshock devices, and possessing such
12 a device for the purposes of self-defense is likely a constitutionally protected
13 activity, and

14 WHEREAS Chapter 8.66 of the Tacoma Municipal Code (“TMC”) currently
15 prohibits the sale, manufacture, purchase, possession, or carrying of an
16 electroshock device in the City, and any person engaging in this conduct is guilty
17 of a gross misdemeanor offense, and

18 WHEREAS, at the state level, there is no general prohibition regarding
19 possessing or carrying an electroshock device; rather, state law prohibits the
20 possession of such devices in certain sensitive locations such as public or private
21 elementary or secondary schools or courthouses, and

22 WHEREAS, to conform with state law and reflect an appropriate balance
23 between citizens’ constitutional rights, relevant case law, and public safety, the City
24 Attorney’s Office is recommending an amendment to TMC 8.66 to decriminalize
25 the sale, manufacture, purchase, possession, or carrying of any electroshock
26



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

device in the City of Tacoma and to remove electroshock devices from the list of generally prohibited items in the City; Now, Therefore,

BE IT ORDAINED BY THE CITY OF TACOMA:

That Chapter 8.66 of the Tacoma Municipal Code is hereby amended as set forth in the attached Exhibit "A."

Passed _____

Mayor

Attest:

City Clerk

Approved as to form:

Assistant City Attorney



EXHIBIT "A"

**Chapter 8.66
Weapons**

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

Sections:

- 8.66.010 Definitions.
- 8.66.020 *Repealed.*
- 8.66.030 *Repealed.*
- 8.66.040 *Repealed.*
- 8.66.050 *Repealed.*
- 8.66.060 *Repealed.*
- 8.66.070 *Repealed.*
- 8.66.080 Unlawful use of weapons.
- 8.66.090 Exemptions – Dangerous knives.
- 8.66.100 *Repealed.*
- 8.66.110 *Repealed.*
- 8.66.120 Discharging air guns and slingshots prohibited – Exception.
- 8.66.130 Air guns and slingshots – Parents permitting use.
- 8.66.140 Air guns and slingshots – Confiscation.
- 8.66.150 Violation – Penalty.
- 8.66.160 *Repealed.*
- 8.66.170 *Repealed.*

8.66.010 Definitions.

The following definitions apply to this chapter:

- A. "Ball flail" means any device consisting of a ball, with or without spikes, attached by a chain, rope, strap, or similar method, to a handle and which can be used for striking.
- B. "Blade" has its usual and ordinary meaning and includes the shank.
- C. "Dangerous knife" means any knife having a blade more than three and one-half inches in length or any dagger, sword, bayonet, bolo knife, hatchet, straight-edge razor, or razor blade not in its package, dispenser, or shaving appliance.
- D. "Deadly weapon" is an instrument capable of being used offensively or defensively and likely to cause death or serious bodily harm.

~~E. "Electroshock device" means any electric or other conductive energy device such as a TASER, stun gun, or other device designed to deliver an electronic charge, which apparently is capable of producing bodily harm or incapacitation to any degree, whether directly from the device or through a missile or projectile. It does not include any electric livestock prod purchased for and used exclusively in animal husbandry, or any automatic external defibrillator used in emergency medical situations.~~

~~FE.~~ "Fighting knife" means:

- 1. Any knife with a handle or guard with spikes, serrations, sharp edges, or metal knuckles;
- 2. Any knife that is designed for fighting or self-defense and utilizes two or more blades at once;
- 3. A balisong knife. "Balisong knife" means a single- or double-edged blade knife which has a two-piece handle. The two halves of the handle sheathe the blade when it is in the closed position. In the open position, the two halves of the handle form a haft. A balisong knife is also known as a butterfly knife.
- 4. A disguised knife. "Disguised knife" means any knife, blade, or pointed tool encased in or disguised as a writing pen or any knife, blade, or pointed tool encased in or disguised as a cane.



- 5. Any knife which opens automatically when pulled from its sheath.
- 6. Any knife or device which consists of three or more blades radiating from a central hub or handle.
- 7. A ballistic knife. "Ballistic knife" means a knife with a detachable blade that is propelled by a spring-operated mechanism.

GE. "Martial arts weapon" includes, but is not limited to, the following devices in common usage in what is known as the martial arts or arts of self-defense: Nuchaku (chako sticks), consisting of two or more lengths of wood, metal, plastic, or similar substance connected with wire, rope, or other means; throwing stars, which are multi-pointed, metal objects designed to embed upon impact from any aspect; ninja chains; sai; tonfa; three section staffs; spike balls; telescopic metal stick (telescopic police baton); jutte; and kama.

HG. "Slung shot" means a metal ball or metal shot or similar substance encased in leather or other material with a cord or strap attached for swinging.

HI. "Switchblade knife" means any knife having a blade that opens automatically by hand pressure applied to a button, spring mechanism, or other device, or a blade that opens, falls, or is ejected into position by force of gravity or by an outward, downward, or centrifugal thrust or movement.

* * *

8.66.080 Unlawful use of weapons.

A. Violations. It is unlawful for a person:

- 1. To sell, manufacture, purchase, possess, or carry any blackjack, sandclub, slungshot, metal knuckles, switchblade knife, fighting knife, martial arts weapon, or ball flail, ~~or electroshock device~~; or
- 2. Except as otherwise provided in Section 8.66.090 hereof, to carry on his or her person or in any vehicle any dangerous knife or deadly weapon; or to sell or give away to any person under 18 years of age any dangerous knife or deadly weapon; or for any such person to purchase or possess any such dangerous knife or deadly weapon.
- 3. Exceptions. The prohibitions contained in this section on ~~electroshock devices and~~ police batons shall not apply to any law enforcement officer or corrections officer while in the performance of his or her official duties, to any animal control officer while in the performance of his or her official duties, or to any military personnel while in the performance of his or her duties.
- 4. Penalties. Any violation of this section is a gross misdemeanor. Any person convicted of violating this section shall be guilty of a gross misdemeanor and subject to a maximum penalty of \$5,000 or one year in jail, or both such fine and imprisonment.

5. Should any subsection, paragraph, sentence, clause, or phrase of this section, or its application to any person or situation, be declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of this section or its application to any other person or situation. The City Council of the City of Tacoma hereby declares that it would have adopted this section, and each subsection, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more subsections, sentences, clauses, phrases, or portions be declared invalid or unconstitutional.

* * *