



January 11th, 2024

Senator Wanggaard, Chair
Members of the Senate Committee on Judiciary and Public Safety

Testimony on 2023 Senate Bill 641

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

Thank you, Chairman Wanggaard and other members of the committee, for hearing my testimony on Senate Bill 641 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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SHAE SORTWELL

STATE REPRESENTATIVE * 2nd ASSEMBLY DISTRICT

Hearing Testimony
Senate Committee on Judiciary and Public Safety
January 11, 2024
Senate Bill 641

Chairman Wanggaard and members of the Senate Committee on Judiciary and Public Safety – Thank you for giving me the opportunity to testify on SB 641, 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.

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

Chippewa County Sheriff's Office

Travis Hakes, Sheriff

Curt Dutton, Chief Deputy

Hello,

I sit here before you today as a resident of the Town of Tilden, Chippewa County. I feel compelled to be here today not only to defend our Constitution, but also be a concerned voice for the countless innocent individuals who have unknowingly committed a felony because of this outdated law.

When our fore fathers penned the Constitution their abilities to harness electricity consisted of a kite and a key. If they had known generations later we would have the ability to defend ourselves with electricity it would have certainly been included in the Second Amendment.

In Wisconsin our motto is Forward, yet we often are behind the times. 37 States have legalized the use of Electronic Control Devices without strict restrictions. 4 States including Wisconsin require a permit to possess an ECD. Only 2 States do not allow possession of an ECD.

When Wisconsin implemented Concealed Carry they allowed for possession of an ECD with a CCW permit. They also require training to have that permit. I teach those courses in one of my private businesses. The most common way Wisconsin residents obtain the training requirements for such a permit is to complete Hunter's Safety, Military service, or taking a class with an instructor like myself.

So unless you're interested in hunting, join the military, or take a firearms course; it is a felony to possess a firearm. Morally this has never sat right with me. Think of the many law abiding Americans who deserve the right to defend themselves without fear of being in violation of a felony if they do not take firearms related course and pay the government for a \$40 license. There is not a single State approved CCW training program that discusses ECDs unless it's to inform them that they can legally possess one.

Many of your constituents do not know something as simple as buying a flashlight that has the ability to produce an electrical shock to an attacker from the local sporting goods store could result in them never being able to vote again.

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Chippewa County Sheriff's Office

Travis Hakes, Sheriff

Curt Dutton, Chief Deputy

As a law enforcement officer, I stand up for victims and those who seek protection from becoming a victim as they know the harsh reality that our society is full of violent predators. In my role as the Sheriff of Chippewa County I took an oath to protect our residents. Our citizens seek less than lethal alternatives to defend themselves for a variety of reasons. I have citizens frequently ask how they can defend themselves while hiking, jogging, outdoor recreation, against disorderly individuals, harassment, stalking, and violent individuals.

Imagine you have a loved one who has no interest in firearms and wants a less than lethal alternative to protect themselves from a violent attacker. They order online or acquire an ECD from a local small business that did not know your loved one did not have a CCW permit. They take possession of that ECD in good faith with the belief they are legally protecting themselves with a less than lethal alternative, and are now in violation of a felony.

This bill isn't a partisan politics bill, it's a common-sense public safety bill. By supporting this bill you are supporting a constitutional right to defend oneself against attacks. Furthermore, you are supporting their ability to choose a less than lethal means to do so without having to obtain an irrelevant permit.

Many States have realized the unconstitutional infringement on the second amendment and have corrected their applicable laws. It's time Wisconsin, move, Forward; and pass this bill.

As a resident, as a Father, as a Sheriff, and most importantly as an advocate for victims; I plead with you to stop making innocent victims felons. It is time that we allow those who seek less than lethal protection options equivalent under the Second Amendment and ensure we're not making felons out of them.

Sheriff Travis Hakes

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Senate Bill 641

Good afternoon everyone,

Thank you for the opportunity to share why I support Senate Bill 641 .

As a Damsel in Defense Pro there are items that we are prohibited from selling in our state. Items like our Get a Grip Stun Device or Missing the Point Stun Pen, which would support the health, safety and wellbeing of the people of Wisconsin.

I believe that all Wisconsin residents should be able to **have non-lethal** weapon options that are appropriate for their safety. Non-lethal self-defense options provide an alternative to lethal force, while still offering a strong level of protection and security. Non-lethal weapons empower women and men to feel secure in any situation.

Did you know that every 26 seconds a violent assault occurs; 1 in 3 domestic assaults, and 1 in 5 sexual assaults, and 70% occur before the age of 17. These numbers are unacceptable would you agree.

According to the National Coalition Against Domestic Violence. "Wisconsin is ranked eighth in the nation for the number of women killed by men. In 2021, 1 in every 6 domestic violence deaths in the U.S happened in Wisconsin". These are the reported cases, what about the cases that go unreported.

The criminal Justice system statistics says, only 310 out of every 1,000 sexual assaults are reported to the police. That means more than 2 out of 3 go unreported. This too is unacceptable would you agree.

So, let us do something about this. Let us support the women of Wisconsin with **non-lethal** weapon options.

Let us equip women with the necessary options that empowers and equips them to protect themselves and their love ones.

One of the advantages of having non-lethal defense weapons is that they offer a less lethal approach to defense. Non-lethal weapons were created to incapacitate attackers, rather than kill them. This gives us a more humane option, while still giving an effective means of protection.

Let us change these statistics, and support our residents in Wisconsin with non-lethal weapon options.

We live in a Great State, on a great Lake, with great people. Let us protect the great people of Wisconsin.

Rhonda MCKenzie