

# “State Restrictions on Magazines, Chemical Sprays and Stun Guns”

## High Capacity Magazine Banned or Restricted

11/27/08

If state is not listed then higher capacity magazines are legal.

### California

#### Large Capacity Magazines

With limited exceptions, California law prohibits any person from manufacturing, importing into the state, keeping for sale, offering or exposing for sale, giving, or lending any large capacity magazine. Cal. Penal Code § 12020(a)(2), (b). A "large capacity magazine" is defined as any ammunition feeding device with the capacity to accept more than ten rounds, but does not include any .22 caliber tube ammunition feeding device, any feeding device that has been permanently altered so that it cannot accommodate more than ten rounds, or any tubular magazine that is contained in a lever-action firearm. Section 12020(c)(25). California does not ban the *possession* of large capacity magazines.

Upon a showing of good cause, the California Department of Justice may issue permits for the possession, transportation, or sale of large capacity ammunition magazines between a licensed California firearms dealer and an out-of-state customer. Section 12079(a). This requirement applies for only the out-of-state importation and exportation of large capacity ammunition magazines, including the transportation of such magazines as necessary to complete a transfer to or from an out of state source. See Cal. Code Regs. tit. 11, § 978.40.

Large capacity magazines may be manufactured for any federal, state, or local government or law enforcement agency, or for use by agency employees in the discharge of their official duties, whether on or off duty. Section 12020(b)(30). Large capacity magazines may also be purchased or loaned for the sole use as a motion picture, television or video prop. Section 12020(b)(31), (32)(A). Such magazines may also be resold to law enforcement agencies, government agencies, or the military, pursuant to applicable federal regulations. Section 12020(b)(32)(C).

For additional large capacity ammunition magazine regulations, see Cal. Code Regs. tit. 11, §§ 978.40-978.44.

### Hawaii

#### High Capacity Ammunition Magazines

“The manufacture, possession, sale, barter, trade, gift, transfer, or acquisition of detachable ammunition magazines with a capacity in excess of ten rounds which are designed for or capable of use with a pistol is prohibited.” Haw. Rev. Stat. § 134-8(c).

### Illinois

#### Aurora

(§ 29-49) bans the possession, sale, or acquisition of large capacity feeding devices (magazines with a capacity of more than 15 rounds).

### **Chicago**

(§ 8-20-030(i) and 8-24-025) bans the transfer, acquisition or possession of assault ammunition (any ammunition magazine having a capacity of more than 12 rounds).

### **Franklin Park**

(§ 3-13G-3) bans the transfer, acquisition, possession, manufacture or distribution of assault ammunition (any detachable ammunition magazine having a capacity of more than 16 rounds).

### **Oak Park**

(§§ 27-2-1 and 27-1-2) bans the possession and sale of large capacity feeding devices (magazines with a capacity of more than 10 rounds).

### **Riverdale**

(§ 5.120.180 and 5.120.190) bans the possession, transfer, acquisition or manufacture of assault ammunition (a detachable magazine box with a capacity of “more than 35 rounds centerfire.”).

## **Maryland High Capacity Magazines**

“A person may not manufacture, sell, offer for sale, purchase, receive, or transfer a detachable magazine that has a capacity of more than 20 rounds of ammunition for a firearm.” Md. Criminal Law Code § 4-305(b). This section does not apply to a .22 caliber rifle with a tubular magazine. Section 4-305(a).

## **Massachusetts Large Capacity Feeding Devices**

The sale, offering for sale, transfer or possession of large capacity feeding devices for assault weapons (as defined under Mass. Gen. Laws ch. 140, § 121), is prohibited unless such device was lawfully possessed on September 13, 1994. Ch. 140, § 131M.

Under Massachusetts law, a “large capacity feeding device” is defined as: “(i) a fixed or detachable magazine, box, drum, feed strip or similar device capable of accepting, or that can be readily converted to accept, more than ten rounds of ammunition or more than five shotgun shells; or (ii) a large capacity ammunition feeding device as defined in the federal Public Safety and Recreational Firearms Use Protection Act, 18 U.S.C. section 921(a)(31) as appearing in such section on September 13, 1994.” Ch. 140, § 121. This does not include “an attached tubular device designed to accept, and capable of operating only with, .22 caliber ammunition.” *Id.*

Large capacity feeding devices designed for large capacity rifles and shotguns may be lawfully possessed by a holder of a Class A or B license to carry. Ch. 140, § 131(a), (b)(ii). Large capacity feeding devices designed for handguns may be possessed only by persons holding a Class A license to carry. Ch. 140, § 131(a).

The Massachusetts Secretary of Public Safety (“Secretary”) is required to compile and publish a roster of large capacity handguns, rifles, shotguns and feeding devices for those firearms, as those weapons and devices are defined in Ch. 140, § 121. Ch. 140, § 131 3/4. The Secretary may amend the roster upon his or her own initiative, upon the initiative of the Gun Control Advisory Board

under Ch. 140, § 131 1/2, or upon the petition of any person seeking to place a weapon on or remove a weapon from the roster. Ch. 140, § 131 3/4.

### **New Jersey Large Capacity Feeding Devices**

New Jersey prohibits the manufacture, transport, shipment, sale or disposal of large capacity ammunition magazines, unless the magazine is intended to be used for authorized military or law enforcement purposes. N.J. Rev. Stat § 2C:39-9h. New Jersey law defines “large capacity ammunition magazine” as a box, drum, tube or other container which is capable of holding more than 15 rounds of ammunition to be fed continuously and directly into a semi-automatic firearm. Section 2C:39-1y

### **New York Large Capacity Ammunition Feeding Device**

It is a class D felony to manufacture, transport, dispose of, or possess a large capacity ammunition feeding device, which N.Y. Penal Law § 265.00(23) defines as "a magazine, belt, drum, feed strip, or similar device" manufactured after September 13, 1994, "that has a capacity of, or that can be readily restored or converted to accept, more than ten rounds of ammunition." Section 265.02.

### **States where stun devices are legal but with some restrictions:**

**If a state is not listed it is legal to possess and carry a stun device.**

#### **Connecticut - Title 53 Chapter 943 Sec. 53-206.**

Legal for home use, carrying prohibited.

#### **California - 5 CCR § 100015**

Stun guns and TASERS are not permitted on the property of any state universities.

#### **PC Part 1 Title 7 Chpt. 7 - Part 171b**

Illegal to have stun guns within any state or local public building or at any meeting required to be open to the public

#### **Florida - 790.01 (4)(b)**

A nonlethal stun gun or dart-firing stun gun or other nonlethal electric weapon or device that is designed solely for defensive purposes. (Note: Non Lethal is the word that makes this law)

#### **Georgia - 16-11-127.1 (a)(2)**

Illegal to carry within 1,000 feet of any real property owned by or leased to any public or private elementary school, secondary school, or school board and used for elementary or secondary education and in, on, or within 1,000 feet of the campus of any public or private technical school, vocational school, college, university, or institution of postsecondary education.

#### **Indiana - IC 35-41-1-8**

Handgun provisions applies to an electronic stun weapon or taser.

**Kansas - 72-89a01** Not allowed in schools. Same as a firearm.

**Mississippi § 45-9-101** Must be licensed to carry a stun gun.

**Minnesota - 624.731 Subd. 9** State law gives local authorities power to regulate possession, carrying etc. of stun guns.

**North Carolina -§ 14-269**

Not allowed to carry in schools. (Note: I have found references that state in NC you must carry a stun gun openly. I can not find that in their law. Use Caution)

**North Dakota - 62.1-01-01. & 62.1-04-02.** Not allowed in places that serve alcohol for consumption on the premises or gaming establishments.

**Ohio - § 2923.11** Some Ohio cities have laws concerning Stun Devices. Legal, subject to restrictions.

**States where stun devices are illegal:**

**Hawaii - §134-16**

**Illinois - 720 ILCS 5/24-1**

**Massachusetts - Chapter 140: Section 131J**

**Michigan - 750.224a**

**New Jersey - 2C:39-3.**

**New York - § 265.01**

**Rhode Island - § 11-47-42**

**Wisconsin - 941.295**

**Cities where stun devices are illegal:**

**Annapolis, MD - Municipal Code 1.44.070**

**Baltimore, MD - City Code 115**

**Baltimore County, MD - Co. Code 17-2-104**

**District of Columbia - DC Code § 7-2501.01.**

**Howard County, MD - Sec. 8.404**

**New York City, NY - Administrative Code 10-135**

**Philadelphia, PA - Ordinance. Statute 10-825**

**Bellingham , WA 10.30.**

**States Where Chemical Sprays are Restricted or Have Some Restrictions**

**If state is not listed then a defensive chemical spray for self defense is legal to carry.**

**Airports/Airlines:** Federal Law forbids carrying any type of tear gas or pepper sprays on airplanes or in the security area of an airport.

**Alaska: 11.81.900 (a)(18)** not designed to cause death or serious physical injury .... **11.61.210 (a)(6)** prohibits the sale of a defensive weapon to a person under 18 years of age. (Note: some sellers of Pepper Spray state that the container can not exceed 150cc)

**Arkansas: 5-73-124** legal to possess "... a small container of **tear gas** or **pepper spray** to be used for **self-defense** purposes only, but the capacity of the cartridge or container shall not exceed one hundred fifty cubic centimeters (150cc)"

**California: Penal Code 12403.7** Misuse of tear gas in California comes with state penalties of up to a \$1000 fine and/or up to three years in prison. Minors, drug addicts or persons convicted of felonies, assault or misuse of tear gas are legally prohibited from possessing tear gas. To be legally purchased, possessed or used in California, any canister must have a label that says "WARNING: The use of this substance or device for any purpose other than self-defense is a crime under the law. The contents are dangerous--use with care." The maximum legal net weight for a canister is 2.5 ounces, or 70 grams of OC.

**DC: 7-2502.14** Self-defense sprays are lawful if used or possessed by a person 18 or over "in the exercise of reasonable force in defense of the person or the person's property only if it is propelled from an aerosol container, labeled with or accompanied by clearly written instructions as to its use, and dated to indicate its anticipated useful life." When purchasing such a spray, the buyer must complete a standard registration form, and the vendor must forward the form to the Metropolitan Police Department.

**Hawaii:** Only OC products are legal for use by or sale to persons 18 and over. There is a ½ ounce size restriction and there are licensing requirements.

**Illinois: 720 ILCS 5/24-1** The use of a product "...containing a non-lethal noxious liquid gas or substance designed solely for personal defense carried by a person 18 years of age or older"

**Massachusetts: Chapter 140, Section 121** Massachusetts residents may only purchase defense sprays from licensed Firearms Dealers in that state. The licensing authority is the local chief of police or other persons authorized by the locality.

**Michigan: 750.224d.** OC Pepper Spray (this is our type of pepper spray) can be no stronger than a 2% concentrate. CS is the only Tear Gas accepted and can be no larger than 35 grams per can. No combination spray allowed.

**Minnesota: 624.731** in the exercise of reasonable force and defense of the person or the person's property only if it is propelled from an aerosol container, labeled with or accompanied by clearly written instructions as to its use, and dated to indicate its anticipated useful life. Possession including giving municipalities the power, if they so elect, to license the retail sellers of self-defense sprays.

**Nevada: 202.370 Thru 202.440** Nevada law prohibits possession of tear gas weapons, except for CS by adult (no felons) with no more than 2 fluid ounces in the form of an aerosol spray "which is designed and intended for use as an instrument of self-defense".

**New Jersey: 2C:39-6i** Any non-felon 18 or over may possess for the purpose of self-defense "one pocket-sized device which contains and releases not more than three-quarters of an ounce of chemical substance not ordinarily capable of lethal use or of inflicting serious bodily injury, but rather is intended to produce temporary physical discomfort or disability through being vaporized or otherwise dispensed in the air".

**New York: Section 265.25 (14) and (15)** The possession of “self-defense sprays” by persons who are not felons or who have been convicted of an assault, 18 or over for the protection of person or property and its otherwise lawful use is legal. “Self-defense spray” is defined as “a pocket sized spray device which contains and releases a chemical or organic substance which is intended to produce temporary physical discomfort or disability through being vaporized or otherwise dispensed in the air or any like device containing tear gas, pepper spray or similar disabling agent”. There are certain labeling requirements. Sales require both a seller’s license and the completion by a purchaser of a registration form. New York residents may only purchase defense sprays from licensed Firearms Dealers or licensed Pharmacists in that state. No more than two sprays may be sold at any one time to a single purchaser.

**North Carolina: 14-401.6.** Possession and use of self-defense sprays is lawful for non felons so long as the device does not exceed 150 cubic centimeters (150cc).

**South Carolina: 16-23-470** It is lawful to possess a container not exceeding fifty cubic centimeters (50cc) containing tear gas “for self-defense purposes only”.

**Wisconsin: 941.26 and Justice Regulations 14.01** UV Dye or combination sprays are not permissible. A “device or container that contains a combination of oleoresin of capsicum and inert ingredients” is permissible. By regulation, OC products with a maximum OC concentration of 10% and weight range of oleoresin of capsicum and inert ingredients of 15-60 grams is authorized. Further, the product can not be camouflaged, and must have a safety feature designed to prevent accidental discharge. In addition there are certain labeling requirements.