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CRIMES AND OFFENSES

Safety Offenses: Include Stun Guns, Tasers in Firearm Definition

CODE SECTION: O.C.G.A. §§ 16-11-106 (amended) and 16-11-130 (amended)
BILL NUMBER: HB 1109
ACT NUMBER: 1588
SUMMARY: The Act amends the Code section which makes possession of a firearm during the commission of certain crimes a felony, so as to include stun guns or tasers in the definition of firearm.

History

O.C.G.A. § 16-11-106 made it a felony to possess a firearm or a knife during the commission or attempted commission of certain offenses. The Act addresses a problem of local concern in the metropolitan Atlanta area. Prostitutes in the metro area and surrounding regions began utilizing devices which emit an electrical charge, in order to incapacitate would-be "Johns" long enough to abscond with their belongings.¹ The tasers, or stun guns, are relatively new technological innovations, and therefore there is no prior law prohibiting their potential misuse.

HB 1109

The Act, by adding a definitional section which brings tasers and stun guns within the meaning of firearm, makes it a felony to commit the delineated crimes while in possession of such a device. The new O.C.G.A. § 16-11-106(a) states unequivocally that "for the purposes of this Code section, the term 'firearm' shall include stun guns and tasers." Stun guns, or tasers, are defined by the new Code section as "any device that is powered by electrical charging units such as batteries and emits an electrical charge in excess of 20,000 volts or is otherwise capable of incapacitating a person by an electrical charge."

The Act also amends O.C.G.A. § 16-11-130, which restricts application of the handgun laws to the listed persons when those persons are in pursuit of official duty or when authorized by the state or federal government. The list was amended by HB 1109 to include trial judges.

1. Interview with Representative Luther S. Colbert, House District No. 23, in Atlanta (May 5, 1986).