

501 CMR: EXECUTIVE OFFICE OF PUBLIC SAFETY

501 CMR 8.00: STANDARDS FOR LAW ENFORCEMENT TRAINING IN THE USE OF ELECTRONIC WEAPONS AND THE SALE OF ELECTRONIC WEAPONS IN THE COMMONWEALTH

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8.01 Purpose

The purpose of 501 CMR 8.00 is to establish rules and regulations governing law enforcement training in the use of electronic weapons and sale of electronic weapons in the Commonwealth.

8.02 Statutory Authorization

501 CMR 8.00 is promulgated pursuant to G.L. c. 140, § 131J, requiring the Secretary of Public Safety to promulgate rules and regulations governing the sale of electronic weapons in the Commonwealth and the training of law enforcement on the appropriate use of such weapons.

8.03 Definitions

- (a) Electronic weapon or device: Any portable device or weapon from which an electrical current, impulse, wave or beam may be directed which such current, impulse, wave or beam is designed to incapacitate temporarily, injure or kill.
- (b) Authorized officer: A federal, state or municipal law enforcement officer, or member of a special reaction team in a state prison or designated special operations or tactical team in a county correctional facility.

8.04 General Qualifications for the Possession and Use of Electronic Weapons

(a) In order to qualify for admission into an approved training program for the use of electronic weapons, an authorized officer must:

- (1) be currently employed as a federal, state or municipal law enforcement officer, or be a member of a special reaction team in a state prison or designated special operations or tactical team in a county correctional facility;
- (2) have successfully completed a firearms training course conducted by the Municipal Police Training Committee or approved by the Colonel of the Massachusetts State Police; and
- (3) be authorized by the officer's department to carry a firearm in the performance of the officer's duty.

(b) Except for training purposes an authorized officer shall not possess or carry an electronic weapon until successfully completing an approved training program for the use of electronic weapons.

## 8.05

### Training Programs on the Use of Electronic Weapons

In order for a training program for the use of electronic weapons to receive approval from the Secretary of Public Safety, the program must demonstrate the following components:

- (1) Not less than 4 hours of training;
- (2) A review of the mechanics of an electronic weapon;
- (3) Illustration of the medical issues involved with the use of an electronic weapon, including, but not limited to, information regarding the effects of electronic weapons on individuals with pre-existing medical conditions, information on and a demonstration regarding the removal of wires from an individual after an electronic weapon has been discharged;
- (4) A segment on weapon proficiency for trainees, including a demonstration on the accurate discharge of an electronic weapon and practice discharge of an electronic weapon by trainees;
- (5) A segment on the use of an electronic device as less than lethal force and its relation to other weapons within the department's use of force policy. This segment must incorporate review of the department's less than lethal force policy; and
- (6) A segment on the department's data collection protocol and reporting requirements as set forth in G.L. c. 140, § 131J.

All departments and agencies must submit their training program curriculum to the Secretary of Public Safety for approval prior to

training authorized officers. All training program curriculum on the use of electronic weapons must be submitted to the Executive Office of Public Safety, One Ashburton Place, Boston, MA 02108 for approval.

8.06

Certification Requirements for Training Instructors

Training instructors for any approved training program for municipal police officers, county sheriffs and Department of Correction employees on the use of electronic weapons must be certified by the Municipal Police Training Committee. Training instructors for an approved training program for the Massachusetts State Police on the use of electronic weapons must be certified by the Colonel. The instructors for the Municipal Police Training Committee and the Massachusetts State Police must have undergone no less than 16 hours of instruction on training on the use of electronic weapons. Approved instructors shall receive certification from the Municipal Police Training Committee or the Colonel, respectively, upon successful completion of the course. Instructors may also receive certification training provided by manufacturers of electronic weapons. A manufacturers' training program must consist of no less than 16 hours of instruction on training on the use of electronic weapons.

8.07

Requirements for the Sale of Electronic Weapons

(1) Manufacturers and dealers of electronic weapons can only sell such weapons as meet the specifications defined in G.L. c. 140, § 131J, in the Commonwealth to the following departments: the Massachusetts State Police, Massachusetts Bay Transportation Authority Police, Environmental Police, any federal law enforcement agency, any municipal police department, the Department of Correction and any county sheriffs' departments for use by officers as authorized by G.L. c. 140, § 131J, the Municipal Police Training Committee for use by authorized training officers, and any statutorily authorized law enforcement agency approved by the Secretary of Public Safety.

(2) Any manufacturer or dealer seeking to sell electronic devices in the Commonwealth must be a licensed firearms dealer pursuant to G.L. c. 140, §§ 122, 123, and comply with the firearm licensing requirements of G.L. c. 140 and the provisions and protocol of the Massachusetts Instant Record Check System (MIRCS).

(3) Any licensed dealer seeking to sell electronic devices in the Commonwealth must notify the Executive Director of the Firearms

Records Bureau in writing of his/her intent to sell electronic devices for inclusion in the MIRCS database.

8.08

Severability Clause

If any article, section, subsection, sentence, clause or phrase of 501 CMR 8.00 is for any reason held to be unconstitutional, contrary to statute, in excess of the authority of the Secretary of Public Safety or otherwise inoperative, such decision shall not affect the validity of any other article, section, subsection, sentence, clause or phrase of 501 CMR 8.00.