

# LAW-ENFORCEMENT INNOVATE TO DE-ESCALATE ACT

JANUARY 30, 2026.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. JORDAN, from the Committee on the Judiciary,  
submitted the following

## R E P O R T

together with

## DISSENTING VIEWS

[To accompany H.R. 2189]

The Committee on the Judiciary, to whom was referred the bill (H.R. 2189) to modernize Federal firearms laws to account for advancements in technology and less-than-lethal weapons, and for other purposes, having considered the same, reports favorably thereon with an amendment and recommends that the bill as amended do pass.

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The amendment is as follows:  
Strike all after the enacting clause and insert the following:

**SECTION 1. SHORT TITLE.**

This Act may be cited as the “Law-Enforcement Innovate to De-Escalate Act”.

**SEC. 2. EXEMPTION OF CERTAIN LESS-THAN-LETHAL PROJECTILE DEVICES FROM RESTRICTIONS UNDER TITLE 18, UNITED STATES CODE.**

Section 921(a) of title 18, United States Code, is amended—

(1) in the second sentence of paragraph (3), by inserting “or a less-than-lethal projectile device” before the period; and

(2) by adding at the end the following:

“(39)(A) The term ‘less-than-lethal projectile device’ means a device that—

“(i) is not designed or intended to expel and may not be readily converted to accept and discharge—

“(I) ammunition commonly used in handguns, rifles, or shotguns; or

“(II) any other projectile at a velocity exceeding 500 feet per second;

“(ii) is designed and intended to be used in a manner that is not likely to cause death or serious bodily injury; and

“(iii) does not accept, and is not able to be readily modified to accept, an ammunition feeding device—

“(I) loaded through the inside of a pistol grip; or

“(II) commonly used in semiautomatic firearms.

“(B) If a person requests that the Attorney General determine whether a device satisfies the definition of ‘less-than-lethal projectile device’ under subparagraph (A), the Attorney General shall make the determination not later than 90 days after the date on which the Attorney General receives the device pursuant to the request.”.

**Purpose and Summary**

H.R. 2189, the Law Enforcement Innovate to De-Escalate Act, introduced by Rep. Scott Fitzgerald (R-WI), exempts certain conducted electrical weapons (CEW) from the definition of a firearm under federal law by categorizing them as “less-than-lethal projectile devices.” These devices have a bore or multiple bores that are not intended to discharge ammunition used in firearms or another projectile at a velocity exceeding 500 feet per second. These devices are also designed and intended for use in a manner that is unlikely to result in death or serious bodily harm, and do not accept, and are not able to be readily modified to accept, an ammunition feeding device.

**Background and Need for the Legislation**

When Congress passed the Gun Control Act of 1968 (GCA), it defined a firearm as “any weapon which will or is designed to or may readily be converted to expel a projectile by the action of an explosive.”<sup>1</sup> Some CEWs meet the definition of a “firearm” under the GCA because they expel probes and wires from the device. However, CEWs had not been invented at the time the GCA became law and were not considered by Congress when formulating the definition of a “firearm.” Therefore, Congress could not have intended to bring CEWs within the purview of the GCA.

CEWs’ expulsion of probes and wires from the device, and the use of gunpowder to expel the probes and wires, has led the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) to classify CEWs as firearms.<sup>2</sup> However, this classification of CEWs and other less-than-lethal devices as “firearms” under federal law overlooks their unique characteristics and intended use.<sup>3</sup> Unlike firearms,

<sup>1</sup>*Id.*

<sup>2</sup>*See, e.g.*, U.S. Dep’t of Justice, Bureau of Alcohol, Tobacco, Firearms, and Explosives, Tasers as Firearms Firearms and Explosives (1976), available at <https://www.atf.gov/firearms/docs/ruling/1976-6-tasers-firearms/download>.

<sup>3</sup>Press Release, Nat. Fraternal Order of Police, (Feb. 27, 2024), <https://fop.net/letter/houseways-and-means-h-r-3269-the-law-enforcement-innovate-to-de-escalate-act/>.

which are designed for lethal threat mitigation in the most dire of circumstances, less-than-lethal devices offer law enforcement officers a safer alternative when faced with less critical threats.<sup>4</sup> This distinction is not reflected in current federal law, leading to over-regulation and underutilization of these devices.<sup>5</sup>

CEWs, such as tasers, play a crucial role in law enforcement encounters by providing officers with a non-lethal means of de-escalating potentially violent encounters and temporarily incapacitating individuals who pose a threat.<sup>6</sup> CEWs have proven to be effective in reducing both officer and suspect injuries, while successfully resolving incidents without the use of deadly force.<sup>7</sup> Their integration into law enforcement tactics has significantly contributed to the reduction of fatalities and injuries during confrontations.<sup>8</sup> Ensuring both officer and public safety underscores the importance of distinguishing between less-lethal alternatives and firearms in regulatory frameworks.<sup>9</sup> As technology continues to advance, it is essential for the law to keep pace, providing law enforcement agencies with the necessary tools and regulatory frameworks to effectively navigate complex operational environments while upholding public safety and accountability.<sup>10</sup>

#### ATF'S CLASSIFICATION OF A TASER AS A "FIREARM"

In 1976, the ATF issued ATF Rule 76-6, which determined that a hand-held device designed to expel electrical barbs connected by wires from a high-voltage source is a firearm under 18 U.S.C. § 921(a)(3)(A).<sup>11</sup> This ruling stemmed from the device's ability to expel projectiles through explosive action, falling within the statutory definition of a firearm.<sup>12</sup> Further, under 26 U.S.C. § 5845(e), the ATF found the term "any other weapon" encompassed devices capable of being concealed by an individual and discharged using explosive energy, such as the Taser.<sup>13</sup>

When first invented, CEWs featured an open-circuit arcing 50,000-volt, seven-watt stun system that used gunpowder propulsion to deploy its barbs.<sup>14</sup> However, research found inefficiencies with this system, which led to the introduction of a 50,000-volt, 26-watt stored power system in 1999.<sup>15</sup> This updated system was propelled by compressed nitrogen rather than gunpowder.<sup>16</sup> Subsequent developments include CEWs powered by proprietary bat-

<sup>4</sup> *Id.*

<sup>5</sup> *Id.*

<sup>6</sup> INTERNATIONAL ASSOCIATION OF CHIEFS OF POLICE (IACP), ELECTRONIC CONTROL WEAPONS, LAW ENFORCEMENT POLICY CENTER (Sep. 2023), available at <https://www.theiacp.org/sites/default/files/2023-09/Electronic%20Control%20Weapons%20-%202023.09.pdf>.

<sup>7</sup> Samatha Kummerer, *An Estimated 500 People Have Died From Police Use of Tasers Nationwide Between 2010-2021*, ABC NEWS 11 (Jan. 19, 2023), <https://abc11.com/taser-stun-gun-deaths-nc-nationwide-raleigh-police/12719372/>.

<sup>8</sup> *Id.*

<sup>9</sup> INTERNATIONAL ASSOCIATION OF CHIEFS OF POLICE, *supra* note 5.

<sup>10</sup> Press Release, Nat. Fraternal Order of Police, (Feb. 27, 2024), <https://fop.net/letter/house-ways-and-means-h-r-3269-the-law-enforcement-innovate-to-de-escalate-act/>.

<sup>11</sup> U.S. Dep't of Justice, Bureau of Alcohol, Tobacco, Firearms, and Explosives, *Tasers as Firearms Firearms and Explosives* (1976), available at <https://www.atf.gov/firearms/docs/ruling/1976-6-tasers-firearms/download>.

<sup>12</sup> *Id.*

<sup>13</sup> *Id.*

<sup>14</sup> INTERNATIONAL ASSOCIATION OF CHIEFS OF POLICE (IACP), ELECTRONIC CONTROL WEAPONS, LAW ENFORCEMENT POLICY CENTER (Sep. 2023), available at <https://www.theiacp.org/sites/default/files/2023-09/Electronic%20Control%20Weapons%20-%202023.09.pdf#page=>.

<sup>15</sup> *Id.*

<sup>16</sup> *Id.*

teries, and equipped with additional tools and accessories such as fixed sights, lasers, LED flashlights, and cameras.<sup>17</sup>

Although some CEWs use compressed nitrogen to expel projectiles, the latest iteration of a law enforcement CEW, the Taser 10, uses gunpowder as an explosive propellant.<sup>18</sup> The Taser 10 was classified as a firearm under federal law because it uses a small amount of gunpowder as an explosive propellant to expel a projectile.<sup>19</sup> Additionally, when the ATF issued a classification letter on the Taser 10, the ATF found that it “is a weapon designed, made, and intended to fire a projectile from more than one rifled barrel,” which is why the ATF classified it as a “handgun” in accordance with federal law and as a “pistol” under federal regulations.<sup>20</sup>

#### STATE LAWS REGULATING CEWS

CEWs are widely legal for ownership and use by private individuals across the United States, with only Rhode Island prohibiting their purchase, possession, and use.<sup>21</sup> While thirty-three states and the District of Columbia permit citizens to own and use tasers without a license or permit, certain requirements are universally enforced, such as an age restriction—typically set at eighteen years but lower in some states, like Florida.<sup>22</sup> Additionally, individuals with a felony conviction are universally barred from owning or purchasing a taser.<sup>23</sup>

In the remaining sixteen states, ownership and use of tasers is permitted, but various restrictions apply. For example, Delaware, Kansas, Mississippi, North Carolina, and Wisconsin all require some form of a permit, particularly for concealed carry purposes.<sup>24</sup> Additionally, several states impose limitations on where tasers may be carried, with prohibitions in places like schools, airports, courthouses, and public transportation.<sup>25</sup> Hawaii, Maryland, Massachusetts, and Minnesota require background checks for the purchase of a taser to prevent any illegal acquisition by individuals with felony records.<sup>26</sup>

#### THE LAW-ENFORCEMENT INNOVATE TO DE-ESCALATE ACT

The Law-Enforcement Innovate to De-Escalate Act would reclassify CEWs within federal firearms law, thereby establishing a clear distinction between a “less-than-lethal projectile device” and traditional firearms.<sup>27</sup> This bill would create a new definition for “less-than-lethal projectile devices,” specifying criteria such as a max-

<sup>17</sup> *Id.*

<sup>18</sup> Letter from Daniel Hoffman, Chief, Firearms Technology Industry Serves Branch, Bureau of Alcohol, Tobaccos, Firearms, and Explosives, to Mark Barnes (Nov. 23, 2021) (on file with Committee).

<sup>19</sup> CONG. RESEARCH SERV., R48635, LAW ENFORCEMENT USE OF LESS-THAN-LETHAL WEAPONS: CONSIDERATIONS FOR CONGRESS (Jan. 23, 2025).

<sup>20</sup> Letter from Daniel Hoffman, Chief, Firearms Technology Industry Serves Branch, Bureau of Alcohol, Tobaccos, Firearms, and Explosives, to Mark Barnes (Nov. 23, 2021) (on file with Committee); 18 U.S.C. § 921(a)(29)(A); 27 CFR § 478.11.

<sup>21</sup> World Population Review, <https://worldpopulationreview.com/state-rankings/taser-legality-by-state> (last visited July 16, 2025).

<sup>22</sup> *Id.*

<sup>23</sup> *Id.*

<sup>24</sup> *Id.*

<sup>25</sup> *Id.*

<sup>26</sup> *Id.*

<sup>27</sup> Press Release, Rep. Scott Fitzgerald, *Fitzgerald Introduces Legislation to Give Law-Enforcement Advanced Less-Lethal Technology* (Mar. 18, 2025), <https://fitzgerald.house.gov/media/press-releases/Law-Enforcement-Innovate-to-De-Escalate-Act-of-2025>.

imum projectile velocity of 500 feet per second and a low likelihood of causing death or serious bodily injury.<sup>28</sup>

### **Hearings**

For the purposes of clause 3(c)(6)(A) of House rule XIII, the following hearings were used to develop H.R. 2189: “The Right to Self Defense” a hearing held on March 4, 2025, before Subcommittee on Crime and Federal Government Surveillance of the Committee on the Judiciary. The Subcommittee heard testimony from the following witnesses:

- Doug Ritter, Founder and Chair of Knife Rights, Inc. and Knife Rights Foundation;
- Diana Muller, Founder of Women for Gun Rights;
- Dave McDermott, Founding Partner of McDermott Law Group and USCCA Network Attorney; and
- Gregory Jackson, Jr., Former Deputy Director, White House Office of Gun Violence Prevention.

The hearing examined the individual’s right to self-defense, protected by the Second Amendment, and examined the efficacy of gun control policies and the related effect on public safety. The subcommittee received testimony from Ms. Muller, a retired law enforcement officer, about the stressful situations law enforcement officers encounter.

### **Committee Consideration**

On November 18, 2025, the Committee met in open session and ordered the bill, H.R. 2189, favorably reported with an amendment in the nature of a substitute, by a roll call vote of 18–8, a quorum being present.

### **Committee Votes**

In compliance with clause 3(b) of House rule XIII, the following roll call votes occurred during the Committee’s consideration of H.R. 2189:

1. Vote on favorably reporting H.R. 2189, as amended—passed 18 ayes to 8 nays.

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<sup>28</sup> Press Release, Nat. Fraternal Order of Police, (Feb. 27, 2024), <https://fop.net/letter/house-ways-and-means-h-r-3269-the-law-enforcement-innovate-to-de-escalate-act/>.

## COMMITTEE ON THE JUDICIARY

119<sup>th</sup> CONGRESS

25-19

## ROLL CALL

Date: 11/18/25

Vote on: Final Passage of H.R. 2189, as amended

Roll Call #: 6

REPUBLICANS	AYE	NO	PRESENT	DEMOCRATS	AYE	NO	PRESENT
MR. JORDAN (OH) <i>Chairman</i>	✓			MR. RASKIN (MD) <i>Ranking Member</i>		✓	
MR. ISSA (CA)				MR. NADLER (NY)		✓	
MR. BIGGS (AZ)	✓			MS. LOFGREN (CA)			
MR. McCLINTOCK (CA)	✓			MR. COHEN (TN)			
MR. TIFFANY (WI)	✓			MR. JOHNSON (GA)		✓	
MR. MASSIE (KY)				MR. SWALWELL (CA)			
MR. ROY (TX)				MR. LIEU (CA)			
MR. FITZGERALD (WI)	✓			MS. JAYAPAL (WA)		✓	
MR. CLINE (VA)	✓			MR. CORREA (CA)	✓		
MR. GOODEN (TX)				MS. SCANLON (PA)		✓	
MR. VAN DREW (NJ)	✓			MR. NEGUSE (CO)			
MR. NEHLS (TX)	✓			MS. McBATH (GA)			
MR. MOORE (AL)	✓			MS. ROSS (NC)		✓	
MR. KILEY (CA)	✓			MS. BALINT (VT)			
MS. HAGEMAN (WY)				MR. GARCIA (IL)		✓	
MS. LEE (FL)				MS. KAMLAGER-DOVE (CA)		✓	
MR. HUNT (TX)				MR. MOSKOWITZ (FL)			
MR. FRY (SC)	✓			MR. GOLDMAN (NY)			
MR. GROTHMAN (WI)	✓			MS. CROCKETT (TX)			
MR. KNOTT (NC)	✓						
MR. HARRIS (NC)	✓						
MR. ONDER (MO)	✓						
MR. SCHMIDT (KS)	✓						
MR. GILL (TX)	✓						
MR. BAUMGARTNER (WA)							

Roll Call Totals: Ayes: 18 Nays: 8 Present: \_\_\_\_\_  
 Passed: X Failed: \_\_\_\_\_

### **Committee Oversight Findings**

In compliance with clause 3(c)(1) of House rule XIII, the Committee advises that the findings and recommendations of the Committee, based on oversight activities under clause 2(b)(1) of rule X of the Rules of the House of Representatives, are incorporated in the descriptive portions of this report.

### **New Budget Authority and Tax Expenditures**

With respect to the requirements of clause 3(c)(2) of rule XIII of the Rules of the House of Representatives and section 308(a) of the *Congressional Budget Act of 1974* and with respect to the requirements of clause 3(c)(3) of rule XIII of the Rules of the House of Representatives and section 402 of the *Congressional Budget Act of 1974*, the Committee has requested but not received a cost estimate for this bill from the Director of the Congressional Budget Office. The Committee has requested but not received from the Director of the Congressional Budget Office a statement as to whether this bill contains any new budget authority, spending authority, credit authority, or an increase or decrease in revenues or tax expenditures. The Chairman of the Committee shall cause such estimate and statement to be printed in the *Congressional Record* upon its receipt by the Committee.

### **Congressional Budget Office Cost Estimate**

With respect to the requirement of clause 3(c)(3) of rule XIII of the Rules of the House of Representatives, a cost estimate provided by the Congressional Budget Office pursuant to section 402 of the *Congressional Budget Act of 1974* was not made available to the Committee in time for the filing of this report. The Chairman of the Committee shall cause such estimate to be printed in the *Congressional Record* upon its receipt by the Committee.

### **Committee Estimate of Budgetary Effects**

With respect to the requirements of clause 3(d)(1) of rule XIII of the Rules of the House of Representatives, the Committee adopts as its own the cost estimate prepared by the Director of the Congressional Budget Office pursuant to section 402 of the *Congressional Budget Act of 1974*.

### **Duplication of Federal Programs**

Pursuant to clause 3(c)(5) of House rule XIII, no provision of H.R. 2189 establishes or reauthorizes a program of the federal government known to be duplicative of another federal program.

### **Performance Goals and Objectives**

The Committee states that pursuant to clause 3(c)(4) of House rule XIII, H.R. 2189 would exempt certain conducted electrical weapons from the definition of a firearm under federal law by categorizing them as “less-than-lethal projectile devices.”

### **Advisory on Earmarks**

In accordance with clause 9 of House rule XXI, H.R. 2189 does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clauses 9(d), 9(e), or 9(f) of House rule XXI.

### **Federal Mandates Statement**

An estimate of federal mandates prepared by the Director of the Congressional Budget office pursuant to section 423 of the *Unfunded Mandates Reform Act* was not made available to the Committee in time for the filing of this report. The Chairman of the Committee shall cause such estimate to be printed in the *Congressional Record* upon its receipt by the Committee.

### **Advisory Committee Statement**

No advisory committees within the meaning of section 5(b) of the *Federal Advisory Committee Act* were created by this legislation.

### **Applicability to Legislative Branch**

The Committee finds that the legislation does not relate to the terms and conditions of employment or access to public services or accommodations within the meaning of section 102(b)(3) of the *Congressional Accountability Act* (Pub. L. 104–1).

### **Section-by-Section Analysis**

*Section. 1. Short Title:* The “Law Enforcement Innovate to De-Escalate Act.”

*Section. 2. Exemption of certain less-than-lethal projectile devices from restrictions under Title 18, United States Code:* Amends 18 U.S.C. § 921(a), by clearly defining a “less-than-lethal projectile device” and excluding it from the definition of a firearm. The legislation defines a “less than lethal projectile device” is not designed to discharge ammunition used in firearms or a projectile at a velocity exceeding 500 feet per second, is designed or intended for use in a manner that is unlikely to result in death or serious bodily harm, and does not accept, and is not able to be readily modified to accept, an ammunition feeding device.

### **CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED**

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (new matter is printed in italics and existing law in which no change is proposed is shown in roman):

### **TITLE 18, UNITED STATES CODE**

\* \* \* \* \*

### **PART I—CRIMES**

\* \* \* \* \*



## CHAPTER 44—FIREARMS

\* \* \* \* \*

## § 921. Definitions

(a) As used in this chapter—

(1) The term “person” and the term “whoever” include any individual, corporation, company, association, firm, partnership, society, or joint stock company.

(2) The term “interstate or foreign commerce” includes commerce between any place in a State and any place outside of that State, or within any possession of the United States (not including the Canal Zone) or the District of Columbia, but such term does not include commerce between places within the same State but through any place outside of that State. The term “State” includes the District of Columbia, the Commonwealth of Puerto Rico, and the possessions of the United States (not including the Canal Zone).

(3) The term “firearm” means (A) any weapon (including a starter gun) which will or is designed to or may readily be converted to expel a projectile by the action of an explosive; (B) the frame or receiver of any such weapon; (C) any firearm muffler or firearm silencer; or (D) any destructive device. Such term does not include an antique firearm or a *less-than-lethal projectile device*.

(4) The term “destructive device” means—

(A) any explosive, incendiary, or poison gas—

(i) bomb,

(ii) grenade,

(iii) rocket having a propellant charge of more than four ounces,

(iv) missile having an explosive or incendiary charge of more than one-quarter ounce,

(v) mine, or

(vi) device similar to any of the devices described in the preceding clauses;

(B) any type of weapon (other than a shotgun or a shotgun shell which the Attorney General finds is generally recognized as particularly suitable for sporting purposes) by whatever name known which will, or which may be readily converted to, expel a projectile by the action of an explosive or other propellant, and which has any barrel with a bore of more than one-half inch in diameter; and

(C) any combination of parts either designed or intended for use in converting any device into any destructive device described in subparagraph (A) or (B) and from which a destructive device may be readily assembled.

The term “destructive device” shall not include any device which is neither designed nor redesigned for use as a weapon; any device, although originally designed for use as a weapon, which is redesigned for use as a signaling, pyrotechnic, line throwing, safety, or similar device; surplus ordnance sold, loaned, or given by the Secretary of the Army pursuant to the provisions of section 7684(2), 7685, or 7686 of title 10; or any other device which the Attorney General finds is not likely to be used as a weapon, is an antique, or is a rifle which the owner intends to use solely for sporting, recreational or cultural purposes.

(5) The term “shotgun” means a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned and made or remade to use the energy of an explosive to fire through a smooth bore either a number of ball shot or a single projectile for each single pull of the trigger.

(6) The term “short-barreled shotgun” means a shotgun having one or more barrels less than eighteen inches in length and any weapon made from a shotgun (whether by alteration, modification or otherwise) if such a weapon as modified has an overall length of less than twenty-six inches.

(7) The term “rifle” means a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned and made or remade to use the energy of an explosive to fire only a single projectile through a rifled bore for each single pull of the trigger.

(8) The term “short-barreled rifle” means a rifle having one or more barrels less than sixteen inches in length and any weapon made from a rifle (whether by alteration, modification, or otherwise) if such weapon, as modified, has an overall length of less than twenty-six inches.

(9) The term “importer” means any person engaged in the business of importing or bringing firearms or ammunition into the United States for purposes of sale or distribution; and the term “licensed importer” means any such person licensed under the provisions of this chapter.

(10) The term “manufacturer” means any person engaged in the business of manufacturing firearms or ammunition for purposes of sale or distribution; and the term “licensed manufacturer” means any such person licensed under the provisions of this chapter.

(11) The term “dealer” means (A) any person engaged in the business of selling firearms at wholesale or retail, (B) any person engaged in the business of repairing firearms or of making or fitting special barrels, stocks, or trigger mechanisms to firearms, or (C) any person who is a pawnbroker. The term “licensed dealer” means any dealer who is licensed under the provisions of this chapter.

(12) The term “pawnbroker” means any person whose business or occupation includes the taking or receiving, by way of pledge or pawn, of any firearm as security for the payment or repayment of money.

(13) The term “collector” means any person who acquires, holds, or disposes of firearms as curios or relics, as the Attorney General shall by regulation define, and the term “licensed collector” means any such person licensed under the provisions of this chapter.

(14) The term “indictment” includes an indictment or information in any court under which a crime punishable by imprisonment for a term exceeding one year may be prosecuted.

(15) The term “fugitive from justice” means any person who has fled from any State to avoid prosecution for a crime or to avoid giving testimony in any criminal proceeding.

(16) The term “antique firearm” means—

(A) any firearm (including any firearm with a matchlock, flintlock, percussion cap, or similar type of ignition system) manufactured in or before 1898; or

(B) any replica of any firearm described in subparagraph (A) if such replica—

(i) is not designed or redesigned for using rimfire or conventional centerfire fixed ammunition, or

(ii) uses rimfire or conventional centerfire fixed ammunition which is no longer manufactured in the United States and which is not readily available in the ordinary channels of commercial trade; or

(C) any muzzle loading rifle, muzzle loading shotgun, or muzzle loading pistol, which is designed to use black powder, or a black powder substitute, and which cannot use fixed ammunition. For purposes of this subparagraph, the term “antique firearm” shall not include any weapon which incorporates a firearm frame or receiver, any firearm which is converted into a muzzle loading weapon, or any muzzle loading weapon which can be readily converted to fire fixed ammunition by replacing the barrel, bolt, breechblock, or any combination thereof.

(17)(A) The term “ammunition” means ammunition or cartridge cases, primers, bullets, or propellant powder designed for use in any firearm.

(B) The term “armor piercing ammunition” means—

(i) a projectile or projectile core which may be used in a handgun and which is constructed entirely (excluding the presence of traces of other substances) from one or a combination of tungsten alloys, steel, iron, brass, bronze, beryllium copper, or depleted uranium; or

(ii) a full jacketed projectile larger than .22 caliber designed and intended for use in a handgun and whose jacket has a weight of more than 25 percent of the total weight of the projectile.

(C) The term “armor piercing ammunition” does not include shotgun shot required by Federal or State environmental or game regulations for hunting purposes, a frangible projectile designed for target shooting, a projectile which the Attorney General finds is primarily intended to be used for sporting purposes, or any other projectile or projectile core which the Attorney General finds is intended to be used for industrial purposes, including a charge used in an oil and gas well perforating device.

(18) The term “Attorney General” means the Attorney General of the United States

(19) The term “published ordinance” means a published law of any political subdivision of a State which the Attorney General determines to be relevant to the enforcement of this chapter and which is contained on a list compiled by the Attorney General, which list shall be published in the Federal Register, revised annually, and furnished to each licensee under this chapter.

(20) The term “crime punishable by imprisonment for a term exceeding one year” does not include—

(A) any Federal or State offenses pertaining to antitrust violations, unfair trade practices, restraints of trade, or other similar offenses relating to the regulation of business practices, or

(B) any State offense classified by the laws of the State as a misdemeanor and punishable by a term of imprisonment of two years or less.

What constitutes a conviction of such a crime shall be determined in accordance with the law of the jurisdiction in which the proceedings were held. Any conviction which has been expunged, or set aside or for which a person has been pardoned or has had civil rights restored shall not be considered a conviction for purposes of this chapter, unless such pardon, expungement, or restoration of civil rights expressly provides that the person may not ship, transport, possess, or receive firearms.

(21) The term “engaged in the business” means—

(A) as applied to a manufacturer of firearms, a person who devotes time, attention, and labor to manufacturing firearms as a regular course of trade or business with the principal objective of livelihood and profit through the sale or distribution of the firearms manufactured;

(B) as applied to a manufacturer of ammunition, a person who devotes time, attention, and labor to manufacturing ammunition as a regular course of trade or business with the principal objective of livelihood and profit through the sale or distribution of the ammunition manufactured;

(C) as applied to a dealer in firearms, as defined in section 921(a)(11)(A), a person who devotes time, attention, and labor to dealing in firearms as a regular course of trade or business to predominantly earn a profit through the repetitive purchase and resale of firearms, but such term shall not include a person who makes occasional sales, exchanges, or purchases of firearms for the enhancement of a personal collection or for a hobby, or who sells all or part of his personal collection of firearms;

(D) as applied to a dealer in firearms, as defined in section 921(a)(11)(B), a person who devotes time, attention, and labor to engaging in such activity as a regular course of trade or business with the principal objective of livelihood and profit, but such term shall not include a person who makes occasional repairs of firearms, or who occasionally fits special barrels, stocks, or trigger mechanisms to firearms;

(E) as applied to an importer of firearms, a person who devotes time, attention, and labor to importing firearms as a regular course of trade or business with the principal objective of livelihood and profit through the sale or distribution of the firearms imported; and

(F) as applied to an importer of ammunition, a person who devotes time, attention, and labor to importing ammunition as a regular course of trade or business with the principal objective of livelihood and profit through the sale or distribution of the ammunition imported.

(22) The term “to predominantly earn a profit” means that the intent underlying the sale or disposition of firearms is predominantly one of obtaining pecuniary gain, as opposed to other intents, such as improving or liquidating a personal firearms collection: *Provided*, That proof of profit shall not be required as to a person who engages in the regular and repetitive purchase and disposition of firearms for criminal purposes or terrorism. For purposes of this

paragraph, the term “terrorism” means activity, directed against United States persons, which—

(A) is committed by an individual who is not a national or permanent resident alien of the United States;

(B) involves violent acts or acts dangerous to human life which would be a criminal violation if committed within the jurisdiction of the United States; and

(C) is intended—

(i) to intimidate or coerce a civilian population;

(ii) to influence the policy of a government by intimidation or coercion; or

(iii) to affect the conduct of a government by assassination or kidnapping.

(23) The term “with the principal objective of livelihood and profit” means that the intent underlying the sale or disposition of firearms is predominantly one of obtaining livelihood and pecuniary gain, as opposed to other intents, such as improving or liquidating a personal firearms collection: *Provided*, That proof of profit shall not be required as to a person who engages in the regular and repetitive purchase and disposition of firearms for criminal purposes or terrorism. For purposes of this paragraph, the term “terrorism” means activity, directed against United States persons, which—

(A) is committed by an individual who is not a national or permanent resident alien of the United States;

(B) involves violent acts or acts dangerous to human life which would be a criminal violation if committed within the jurisdiction of the United States; and

(C) is intended—

(i) to intimidate or coerce a civilian population;

(ii) to influence the policy of a government by intimidation or coercion; or

(iii) to affect the conduct of a government by assassination or kidnapping.

(24) The term “machinegun” has the meaning given such term in section 5845(b) of the National Firearms Act (26 U.S.C. 5845(b)).

(25) The terms “firearm silencer” and “firearm muffler” mean any device for silencing, muffling, or diminishing the report of a portable firearm, including any combination of parts, designed or redesigned, and intended for use in assembling or fabricating a firearm silencer or firearm muffler, and any part intended only for use in such assembly or fabrication.

(26) The term “school zone” means—

(A) in, or on the grounds of, a public, parochial or private school; or

(B) within a distance of 1,000 feet from the grounds of a public, parochial or private school.

(27) The term “school” means a school which provides elementary or secondary education, as determined under State law.

(28) The term “motor vehicle” has the meaning given such term in section 13102 of title 49, United States Code.

(29) The term “semiautomatic rifle” means any repeating rifle which utilizes a portion of the energy of a firing cartridge to extract the fired cartridge case and chamber the next round, and which requires a separate pull of the trigger to fire each cartridge.

(30) The term “handgun” means—

(A) a firearm which has a short stock and is designed to be held and fired by the use of a single hand; and

(B) any combination of parts from which a firearm described in subparagraph (A) can be assembled.

(32) The term “intimate partner” means, with respect to a person, the spouse of the person, a former spouse of the person, an individual who is a parent of a child of the person, and an individual who cohabitates or has cohabited with the person.

(33)(A) Except as provided in subparagraphs (B) and (C), the term “misdemeanor crime of domestic violence” means an offense that—

(i) is a misdemeanor under Federal, State, Tribal, or local law; and

(ii) has, as an element, the use or attempted use of physical force, or the threatened use of a deadly weapon, committed by a current or former spouse, parent, or guardian of the victim, by a person with whom the victim shares a child in common, by a person who is cohabiting with or has cohabited with the victim as a spouse, parent, or guardian, by a person similarly situated to a spouse, parent, or guardian of the victim, or by a person who has a current or recent former dating relationship with the victim.

(B)(i) A person shall not be considered to have been convicted of such an offense for purposes of this chapter, unless—

(I) the person was represented by counsel in the case, or knowingly and intelligently waived the right to counsel in the case; and

(II) in the case of a prosecution for an offense described in this paragraph for which a person was entitled to a jury trial in the jurisdiction in which the case was tried, either

(aa) the case was tried by a jury, or

(bb) the person knowingly and intelligently waived the right to have the case tried by a jury, by guilty plea or otherwise.

(ii) A person shall not be considered to have been convicted of such an offense for purposes of this chapter if the conviction has been expunged or set aside, or is an offense for which the person has been pardoned or has had civil rights restored (if the law of the applicable jurisdiction provides for the loss of civil rights under such an offense) unless the pardon, expungement, or restoration of civil rights expressly provides that the person may not ship, transport, possess, or receive firearms.

(C) A person shall not be considered to have been convicted of a misdemeanor crime of domestic violence against an individual in a dating relationship for purposes of this chapter if the conviction has been expunged or set aside, or is an offense for which the person has been pardoned or has had firearm rights restored unless the expungement, pardon, or restoration of rights expressly provides that the person may not ship, transport, possess, or receive firearms: *Provided*, That, in the case of a person who has not more than 1 conviction of a misdemeanor crime of domestic violence against an individual in a dating relationship, and is not otherwise prohibited under this chapter, the person shall not be disqualified from shipping, transport, possession, receipt, or purchase of a firearm under this chapter if 5 years have elapsed from the later of

the judgment of conviction or the completion of the person's custodial or supervisory sentence, if any, and the person has not subsequently been convicted of another such offense, a misdemeanor under Federal, State, Tribal, or local law which has, as an element, the use or attempted use of physical force, or the threatened use of a deadly weapon, or any other offense that would disqualify the person under section 922(g). The national instant criminal background check system established under section 103 of the Brady Handgun Violence Prevention Act (34 U.S.C. 40901) shall be updated to reflect the status of the person. Restoration under this subparagraph is not available for a current or former spouse, parent, or guardian of the victim, a person with whom the victim shares a child in common, a person who is cohabiting with or has cohabited with the victim as a spouse, parent, or guardian, or a person similarly situated to a spouse, parent, or guardian of the victim.

(34) The term "secure gun storage or safety device" means—

(A) a device that, when installed on a firearm, is designed to prevent the firearm from being operated without first deactivating the device;

(B) a device incorporated into the design of the firearm that is designed to prevent the operation of the firearm by anyone not having access to the device; or

(C) a safe, gun safe, gun case, lock box, or other device that is designed to be or can be used to store a firearm and that is designed to be unlocked only by means of a key, a combination, or other similar means.

(35) The term "body armor" means any product sold or offered for sale, in interstate or foreign commerce, as personal protective body covering intended to protect against gunfire, regardless of whether the product is to be worn alone or is sold as a complement to another product or garment.

(36) The term "local law enforcement authority" means a bureau, office, department or other authority of a State or local government or Tribe that has jurisdiction to investigate a violation or potential violation of, or enforce, a State, local, or Tribal law.

(37)(A) The term "dating relationship" means a relationship between individuals who have or have recently had a continuing serious relationship of a romantic or intimate nature.

(B) Whether a relationship constitutes a dating relationship under subparagraph (A) shall be determined based on consideration of—

(i) the length of the relationship;

(ii) the nature of the relationship; and

(iii) the frequency and type of interaction between the individuals involved in the relationship.

(C) A casual acquaintanceship or ordinary fraternization in a business or social context does not constitute a dating relationship under subparagraph (A).

(38) The term "verified electronic notification", with respect to a communication to a chief law enforcement officer required under section 922(c)(2), means a digital communication—

(A) sent to the electronic communication address that the chief law enforcement officer voluntarily designates for the purpose of receiving those communications; and

- (B) that includes a method for verifying—
  - (i) the receipt of the communication; and
  - (ii) the electronic communication address to which the communication is sent.
- (39)(A) *The term “less-than-lethal projectile device” means a device that—*
  - (i) is not designed or intended to expel and may not be readily converted to accept and discharge—*
    - (I) ammunition commonly used in handguns, rifles, or shotguns; or*
    - (II) any other projectile at a velocity exceeding 500 feet per second;*
  - (ii) is designed and intended to be used in a manner that is not likely to cause death or serious bodily injury; and*
  - (iii) does not accept, and is not able to be readily modified to accept, an ammunition feeding device—*
    - (I) loaded through the inside of a pistol grip; or*
    - (II) commonly used in semiautomatic firearms.*
- (B) *If a person requests that the Attorney General determine whether a device satisfies the definition of “less-than-lethal projectile device” under subparagraph (A), the Attorney General shall make the determination not later than 90 days after the date on which the Attorney General receives the device pursuant to the request.*
- (b) For the purposes of this chapter, a member of the Armed Forces on active duty is a resident of the State in which his permanent duty station is located.

\* \* \* \* \*

### Dissenting Views

While I support efforts to ensure law enforcement has access to less-than-lethal devices, unfortunately, I must oppose this legislation that weakens federal firearms laws and goes far beyond the needs of law enforcement. Rather than being focused on the use of less-than-lethal devices by law enforcement officers, this bill would create a dangerous loophole in the Gun Control Act (GCA) by exempting so-called “less-than-lethal” devices from laws requiring firearms to be traceable, detectable by security equipment, and not available to prohibited purchasers like felons. This new loophole would allow dangerous people to more easily access untraceable, undetectable weapons without a background check.

This legislation does real damage by rewriting the definition of “firearm” throughout the entire criminal code to exclude certain, “less-than-lethal” weapons—which are still highly dangerous—such as taser guns, which have been identified as a contributing factor in more than 500 deaths in the United States.<sup>1</sup> Because the definition of what constitutes a “firearm” is central to our federal firearm legal architecture, altering that definition is a dangerous and complicated endeavor—and will have consequences that perhaps are not intended by the bill’s proponents.

<sup>1</sup> John Seewer, Reese Dunklin & Taylor Stevens, *In hundreds of deadly police encounters, officers broke multiple safety guidelines*, NBC LA (May 14, 2024) <https://www.nbcalosangeles.com/news/national-international/deadly-police-encounters-broke-safety-guidelines/3411945/>.



This bill would establish a new category of weapons, so-called “less-than-lethal projectile devices,” and exempts these devices—which are currently classified as firearms—from all regulation under federal firearms laws such as the GCA. And these weapons, contrary to what the title of this bill might invite us to believe, would be exempted from federal firearms laws regardless of who uses, purchases, possesses or manufactures them—creating an entirely new loophole in our nation’s gun safety laws.

For example, if enacted, this bill would allow persons who are not legally allowed to possess firearms—like domestic abusers and convicted felons—to legally purchase these dangerous weapons that are still designed to incapacitate and overpower their targets. The loophole created by this bill would not only allow domestic abusers and convicted felons to buy these weapons but would also allow them to buy them without any background check at all.

It would exempt these weapons from the requirement that they have a serial number and are traceable so that law enforcement can identify their owners when they are used in violent crimes. It would also exempt them from laws requiring firearms to be detectable by metal detectors and the x-ray machines used at airports.

If H.R. 2189 were to become law, nothing would stop a convicted felon from purchasing a taser designed to avoid detection and carrying that weapon past security, onto a plane, into a school, or indeed into the Capitol. This bill would make all of us less safe.

Supporters of the bill argue that it is needed to update the Gun Control Act of 1968 to reflect modern technology and ensure that law enforcement can use these less-lethal weapons.

But law enforcement agencies are already exempt from many provisions of the GCA, and law enforcement officers have long used so called “less-than-lethal” weapons in the line of duty.

Supporters also argue that this change is needed because the classification of these weapons as “firearms” in federal law “may result in the use of the weapon being considered ‘deadly force,’ even though the device is designed to be less-than-lethal.”<sup>2</sup> But federal courts have distinguished between “deadly force” and “intermediate force” in cases involving law enforcement uses of less-than-lethal weapons.<sup>3</sup> And states are more than capable of modifying their laws to account for these technologies if they believe that they should do so. There is no indication that state or federal law is out of step with the design and use of these weapons, much less that such a mismatch has prevented law enforcement agencies from adopting them.

Organizations working to end gun violence—including Giffords, Brady, Everytown for Gun Safety, and the Community Justice Action Fund—all strongly oppose this legislation. But it is my understanding that these groups have offered to work with the proponents of H.R. 2189 to try to craft narrower language to advance the legitimate stated purposes of the bill.

If the purpose of this legislation is really to help law enforcement agencies access less-than-lethal weapons, then we can work together to achieve that goal in a way that mitigates the dangerous consequences of this bill as currently drafted.

<sup>2</sup>Letter from Rep. Greg Stanton to Dep’t of Justice and Bureau of Alcohol, Tobacco, Firearms and Explosives (Feb. 17, 2023) (on file with Committee).

<sup>3</sup>See, e.g., *Bryan v. MacPherson*, 630 F.3d 805, 810 (9th Cir. 2010).

The gun safety groups proposed alternative language focused on the needs of law enforcement. This alternative language would define so called “less-than-lethal” devices and exempt those devices from being classified as a firearm under federal law but only when they are used by a law enforcement officer acting in their official capacity.

Although none of these gun violence prevention groups favor changing the federal definition of a firearm, they are willing to compromise to ensure that law enforcement officers are not somehow prevented from using these devices, while also mitigating the potentially dangerous consequences of the bill.

We should keep working on this in good faith. But, as it stands, I do not believe we can risk creating a new dangerous loophole in our firearms laws.

I oppose this legislation, and I urge my colleagues to do the same.

JAMIE RASKIN,  
*Ranking Member.*

