

27 CFR 178.11: MEANING OF TERMS
(Also 179.11)

A hand-held device designed to expel by means of an explosive two electrical contacts (barbs) connected by two wires attached to a high voltage source in the device classified as a firearm.

ATF Rul. 76-6

[Status of ruling: Active; Amplified by ATF Rul. 80-20]

The Bureau has been asked to determine the applicability of Titles I and II of the Gun Control Act of 1968 (Chapter 44 of Title 18 U.S.C., and Chapter 53 of Title 26 U.S.C. (National Firearms Act)) to a device known as the Taser, a hand-held device designed to expel by means of an explosive two electrical contacts (barbs) connected by two wires attached to a high voltage source in the device. Upon contact with an individual, a high voltage electrical charge is carried to the barbs by the wires which temporarily immobilizes the victim.

The term “firearm” as used in 18 U.S.C. 921(a)(3)(A) includes “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.” The Bureau has determined that the device is a weapon and notwithstanding the fact that the barbs and wires remain attached to the hand-held device after expulsion, these items are projectiles within the meaning of the statute. Since the projectiles are expelled by the action of an explosive, the weapon is a firearm under 18 U.S.C. 921(a)(3)(A).

With respect to the National Firearms Act, the term “any other weapon” in 26 U.S.C. 5845(e) generally means a weapon or device capable of being concealed on the person from which a shot can be discharged through the energy of an explosive. Such term does not include a pistol or a revolver having a rifled bore, or rifled bores, or weapons designed, made, or intended to be fired from the shoulder and not capable of firing fixed ammunition. Since the Taser meets the statutory definition, it is an “any other weapon” (26 U.S.C. 5845(e)).

Held, a hand-held device designed to expel by means of an explosive two electrical contacts (barbs) connected by two wires attached to a high voltage source in the device is a “firearm” within the purview of 18 U.S.C. 921(a)(3)(A). It is also an “any other weapon” under the National Firearms Act (26 U.S.C. 5845(e)).

In order to allow persons manufacturing and dealing in such weapons to comply with the provisions of Chapter 44 and 27 C.F.R. Part 178, this ruling will be applicable to such weapons manufactured within the United States on or after May 1, 1976. Such weapons manufactured before May 1, 1976, will not be treated as subject to the provisions of Chapter 44 and 27 C.F.R. Part 178. With respect to the “any other weapon” classification under the National Firearms Act, pursuant to 26 U.S.C. 7805(b), this ruling will not be applied to such weapons manufactured before May 1, 1976. Accordingly, such weapons manufactured on or after May 1, 1976, will be subject to all the provisions of the National Firearms Act and 27 CFR Part 179.