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JIM PASCO
EXECUTIVE DIRECTOR

30 May 2025

The Honorable Scott L. Fitzgerald
U.S. House of Representatives
Washington, D.C. 20515

The Honorable Luis J. Correa
U.S. House of Representatives
Washington, D.C. 20515

Dear Representatives Fitzgerald and Correa,

I am writing on behalf of the members of the Fraternal Order of Police to advise you of our support for H.R. 2189, the "Law Enforcement Innovate to De-Escalate Act."

Under current Federal law, conducted energy devices—a critical tool designed to incapacitate individuals temporarily without causing serious injury—and other less-than-lethal devices continue to be misclassified as firearms under the Gun Control Act of 1968. This outdated classification is based on an antiquated definition that fails to account for advancements in law enforcement technology. For example, the latest TASER model, the TASER 10, which is 100 percent less-than-lethal, has no gas cylinder, meaning that the primer directly expels its less-than-lethal projectile. This minor engineering change is considered a "projectile by an action of an explosive" and thus classifies the new TASER 10 as a less-lethal firearm. This designation has caused many challenges for law enforcement, tribal law enforcement, correctional facilities, and health care facilities.

The "Law Enforcement Innovate to De-Escalate Act" would establish the term "less-than-lethal projectile device" in Federal statute. The updated definition ensures that these devices are properly classified by the U.S. Department of Justice (DOJ) based on a new five step criteria. A device that cannot fire projectiles at velocities exceeding 500 feet per second and is designed in a manner that minimizes the likelihood of causing death or serious injury would be re-classified as a less-than-lethal projectile device and no longer be considered a firearm. The legislation also applies this new classification for tax purposes, ensuring that regulatory and financial barriers do not impede the adoption of these life-saving tools.

It is important to also recognize that this bill goes further than last year's legislation with its five step criteria and clearly outlines that only true less-than-lethal devices qualify, meaning that it does not allow any space for less-than-lethal devices such as TASER devices to be modified into firearms or converted to use ammunition used in handguns, rifles and shotguns, or as explained above, expel a projectile exceeding 500 feet per second. This new legislation carefully considers all the potential consequences and ensures that only less-than-lethal devices are included in the new classification as approved by the DOJ.

As law enforcement agencies continue to invest in advanced training and technology to reduce fatal encounters, access to conducted energy devices and similar less-than-lethal alternatives must be expanded. The updates in this legislation will ensure greater availability of these tools, enabling officers to respond more effectively while prioritizing the lives and safety of all individuals involved.

-- BUILDING ON A PROUD TRADITION --



On behalf of the more than 377,000 members of the Fraternal Order of Police, I thank you both for your leadership on this issue. If I can provide any additional information about this bill, please do not hesitate to contact me or Executive Director Jim Pasco in our Washington, D.C. office.

Sincerely,

A handwritten signature in black ink, appearing to read "Patrick Yoes", with a large, stylized initial "P" and a long horizontal stroke extending to the right.

Patrick Yoes
National President

cc: Ryan Windorff, President, Wisconsin State Lodge
Jerry Johnson, National Trustee, Wisconsin State Lodge
Roger Hilton, President, California State Lodge
Matt Heady, National Trustee, California State Lodge

