

---

By: **Delegates Cluster, Boschert, Aumann, Bates, Boteler, Dwyer, Eckardt, Edwards, Elliott, Elmore, Frank, Gilleland, Glassman, Haddaway, Hogan, Impallaria, Jennings, Kach, Kelly, Krebs, Levy, Mayer, McComas, McConkey, McKee, McMillan, Miller, Myers, O'Donnell, Parrott, Shank, Smigiel, Sossi, Stocksdale, Trueschler, and Weldon**

Introduced and read first time: February 2, 2006

Assigned to: Judiciary

---

A BILL ENTITLED

1 AN ACT concerning

2 **Crimes - Use or Attempted Use of Stun Gun on Law Enforcement Officer -**  
3 **Prohibition**

4 FOR the purpose of prohibiting a person from intentionally using or attempting to use  
5 a stun gun on another if the person knows or has reason to know that the other  
6 is a law enforcement officer engaged in the performance of the officer's official  
7 duties; establishing criminal penalties for a violation of this Act; defining certain  
8 terms; and generally relating to the use or attempted use of a stun gun on a law  
9 enforcement officer.

10 BY repealing and reenacting, with amendments,  
11 Article - Criminal Law  
12 Section 3-201 and 3-203  
13 Annotated Code of Maryland  
14 (2002 Volume and 2005 Supplement)

15 BY repealing and reenacting, without amendments,  
16 Article - Criminal Law  
17 Section 3-202  
18 Annotated Code of Maryland  
19 (2002 Volume and 2005 Supplement)

20 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
21 MARYLAND, That the Laws of Maryland read as follows:

22 **Article - Criminal Law**

23 3-201.

24 (a) In this subtitle the following words have the meanings indicated.

1 (b) "Assault" means the crimes of assault, battery, and assault and battery,  
2 which retain their judicially determined meanings.

3 (c) "Law enforcement officer" has the meaning stated in § 3-101(e)(1) of the  
4 Public Safety Article without application of § 3-101(e)(2).

5 (d) "Serious physical injury" means physical injury that:

6 (1) creates a substantial risk of death; or

7 (2) causes permanent or protracted serious:

8 (i) disfigurement;

9 (ii) loss of the function of any bodily member or organ; or

10 (iii) impairment of the function of any bodily member or organ.

11 (E) "STUN GUN" MEANS A WEAPON USED FOR SUBDUING A PERSON BY  
12 ADMINISTERING A DELIBERATE ELECTRIC SHOCK.

13 3-202.

14 (a) (1) A person may not intentionally cause or attempt to cause serious  
15 physical injury to another.

16 (2) A person may not commit an assault with a firearm, including:

17 (i) a handgun, antique firearm, rifle, shotgun, short-barreled  
18 shotgun, or short-barreled rifle, as those terms are defined in § 4-201 of this article;

19 (ii) an assault pistol, as defined in § 4-301 of this article;

20 (iii) a machine gun, as defined in § 4-401 of this article; and

21 (iv) a regulated firearm, as defined in § 5-101 of the Public Safety  
22 Article.

23 (b) A person who violates this section is guilty of the felony of assault in the  
24 first degree and on conviction is subject to imprisonment not exceeding 25 years.

25 3-203.

26 (a) A person may not commit an assault.

27 (b) Except as provided in subsection (c) of this section, a person who violates  
28 subsection (a) of this section is guilty of the misdemeanor of assault in the second  
29 degree and on conviction is subject to imprisonment not exceeding 10 years or a fine  
30 not exceeding \$2,500 or both.

1 (c) (1) In this subsection, "physical injury" means any impairment of  
2 physical condition, excluding minor injuries.

3 (2) A person may not intentionally:

4 (I) cause physical injury to another if the person knows or has  
5 reason to know that the other is a law enforcement officer engaged in the performance  
6 of the officer's official duties; OR

7 (II) USE OR ATTEMPT TO USE A STUN GUN ON ANOTHER IF THE  
8 PERSON KNOWS OR HAS REASON TO KNOW THAT THE OTHER IS A LAW  
9 ENFORCEMENT OFFICER ENGAGED IN THE PERFORMANCE OF THE OFFICER'S  
10 OFFICIAL DUTIES.

11 (3) A person who violates paragraph (2) of this subsection is guilty of the  
12 felony of assault in the second degree and on conviction is subject to imprisonment not  
13 exceeding 10 years or a fine not exceeding \$5,000 or both.

14 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
15 October 1, 2006.