

# HOUSE BILL 108

E4

8lr1082

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By: **Delegates Branch, Anderson, Stukes, and Tarrant**

Introduced and read first time: January 16, 2008

Assigned to: Judiciary

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Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 12, 2008

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Public Safety – Electronic Weapons – ~~Prohibition~~ Procedures and Reports**

3 FOR the purpose of ~~prohibiting a person from possessing, using, selling, distributing,~~  
4 ~~offering to sell or distribute, or transporting into the State a certain electronic~~  
5 ~~weapon; creating a certain exception; establishing penalties for a violation of~~  
6 ~~this Act; requiring the Police Training Commission to require that certain~~  
7 ~~curriculum and minimum courses of study include certain training; requiring a~~  
8 law enforcement agency to follow certain procedures and file a certain report  
9 with the Governor's Office of Crime Control and Prevention whenever a law  
10 enforcement officer employed by the law enforcement agency discharges a  
11 certain electronic weapon under certain circumstances; requiring a law  
12 enforcement officer to file a certain report with the Governor's Office of Crime  
13 Control and Prevention whenever an individual other than a law enforcement  
14 officer discharges a certain electronic weapon under certain circumstances;  
15 requiring the Governor's Office of Crime Control and Prevention to compile and  
16 allow public inspection of certain reports; defining certain terms; and generally  
17 relating to electronic weapons.

18 ~~BY adding to~~

19 ~~Article — Criminal Law~~

20 ~~Section 4-109~~

21 ~~Annotated Code of Maryland~~

22 ~~(2002 Volume and 2007 Supplement)~~

23 ~~BY repealing and reenacting, with amendments,~~

24 BY adding to

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 Article – Public Safety  
 2 Section ~~3-207~~ 3-507  
 3 Annotated Code of Maryland  
 4 (2003 Volume and 2007 Supplement)

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

7 **Article – ~~Criminal Law~~ Public Safety**

8 **~~4-109~~ 3-507.**

9 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE  
 10 MEANINGS INDICATED.

11 (2) (I) “ELECTRONIC WEAPON” MEANS A PORTABLE DEVICE  
 12 DESIGNED AS A WEAPON CAPABLE OF INJURING OR IMMOBILIZING AN  
 13 INDIVIDUAL BY THE DISCHARGE OF ELECTRICAL CURRENT.

14 (II) “ELECTRONIC WEAPON” INCLUDES A STUN GUN AND A  
 15 TASER.

16 ~~(3) “POLICE OFFICER” HAS THE MEANING STATED IN § 3-201 OF~~  
 17 ~~THE PUBLIC SAFETY ARTICLE.~~

18 ~~(B) SUBJECT TO THE RIGHT OF A COUNTY TO PROHIBIT THE USE OR~~  
 19 ~~POSSESSION OF ELECTRONIC WEAPONS BY LAW ENFORCEMENT PERSONNEL IN~~  
 20 ~~THAT COUNTY, THIS SECTION DOES NOT PROHIBIT THE USE OR POSSESSION OF~~  
 21 ~~AN ELECTRONIC WEAPON BY A POLICE OFFICER IN THE COURSE OF THE POLICE~~  
 22 ~~OFFICER’S OFFICIAL DUTIES.~~

23 ~~(C) EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, A~~  
 24 ~~PERSON MAY NOT:~~

25 ~~(1) POSSESS OR USE AN ELECTRONIC WEAPON;~~

26 ~~(2) SELL, DISTRIBUTE, OR OFFER TO SELL OR DISTRIBUTE AN~~  
 27 ~~ELECTRONIC WEAPON; OR~~

28 ~~(3) TRANSPORT INTO THE STATE AN ELECTRONIC WEAPON.~~

29 ~~(D) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A~~  
 30 ~~MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT~~  
 31 ~~EXCEEDING 3 YEARS OR A FINE NOT EXCEEDING \$5,000 OR BOTH.~~

32 **Article – ~~Public Safety~~**

1 ~~3-207.~~

2 ~~Subject to the authority of the Secretary, the Commission has the following~~  
3 ~~powers and duties:~~

4 ~~(1) to establish standards for the approval and continuation of~~  
5 ~~approval of schools that conduct police entrance level and in-service training courses~~  
6 ~~required by the Commission, including State, regional, county, and municipal training~~  
7 ~~schools;~~

8 ~~(2) to approve and issue certificates of approval to police training~~  
9 ~~schools;~~

10 ~~(3) to inspect police training schools;~~

11 ~~(4) to revoke, for cause, the approval or certificate of approval issued~~  
12 ~~to a police training school;~~

13 ~~(5) to establish the following for police training schools:~~

14 ~~(i) curriculum;~~

15 ~~(ii) minimum courses of study;~~

16 ~~(iii) attendance requirements;~~

17 ~~(iv) eligibility requirements;~~

18 ~~(v) equipment and facilities;~~

19 ~~(vi) standards of operation; and~~

20 ~~(vii) minimum qualifications for instructors;~~

21 ~~(6) to require, for entrance level police training and at least every 3~~  
22 ~~years for in-service level police training conducted by the State and each county and~~  
23 ~~municipal police training school, that the curriculum and minimum courses of study~~  
24 ~~include special training, attention to, and study of the application and enforcement of~~  
25 ~~the criminal laws concerning rape and sexual offenses, including:~~

26 ~~(i) the sexual abuse of children;~~

27 ~~(ii) related evidentiary procedures; and~~

28 ~~(iii) the contact with and treatment of victims of these crimes;~~

~~(7) TO REQUIRE, FOR ENTRANCE LEVEL POLICE TRAINING AND AT LEAST EVERY 3 YEARS FOR IN SERVICE LEVEL POLICE TRAINING CONDUCTED BY THE STATE AND EACH COUNTY AND MUNICIPAL POLICE TRAINING SCHOOL, THAT THE CURRICULUM AND MINIMUM COURSES OF STUDY INCLUDE SPECIAL TRAINING IN THE PROPER USE OF ELECTRONIC WEAPONS, AS DEFINED IN § 4-109 OF THE CRIMINAL LAW ARTICLE, CONSISTENT WITH ESTABLISHED LAW ENFORCEMENT STANDARDS AND FEDERAL AND STATE CONSTITUTIONAL PROVISIONS;~~

~~[(7)](8) to certify and issue appropriate certificates to qualified instructors for police training schools authorized by the Commission to offer police training programs;~~

~~[(8)](9) to verify that police officers have satisfactorily completed training programs and issue diplomas to those police officers;~~

~~[(9)](10) to conduct and operate police training schools authorized by the Commission to offer police training programs;~~

~~[(10)](11) to make a continuous study of entrance level and in-service training methods and procedures;~~

~~[(11)](12) to consult with and accept the cooperation of any recognized federal, State, or municipal law enforcement agency or educational institution;~~

~~[(12)](13) to consult and cooperate with universities, colleges, and institutions in the State to develop specialized courses of study for police officers in police science and police administration;~~

~~[(13)](14) to consult and cooperate with other agencies and units of the State concerned with police training;~~

~~[(14)](15) to develop, with the cooperation of the Office of the Chief Medical Examiner and the Federal Bureau of Investigation, a uniform missing person report form to be available for use by each law enforcement agency of the State on or before October 1, 2008; and~~

~~[(15)](16) to perform any other act that is necessary or appropriate to carry out the powers and duties of the Commission under this subtitle.~~

**(3) “LAW ENFORCEMENT AGENCY” MEANS THE DIVISION OF CORRECTION OR A POLICE DEPARTMENT OF THE STATE, A COUNTY, OR A MUNICIPAL CORPORATION.**

**(4) “LAW ENFORCEMENT OFFICER” HAS THE MEANING STATED IN § 3-201 OF THE CRIMINAL LAW ARTICLE.**

1           **(B) WHENEVER A LAW ENFORCEMENT OFFICER DISCHARGES AN**  
2 **ELECTRONIC WEAPON IN THE COURSE OF THE LAW ENFORCEMENT OFFICER'S**  
3 **DUTIES, THE LAW ENFORCEMENT AGENCY THAT EMPLOYS THE LAW**  
4 **ENFORCEMENT OFFICER SHALL:**

5                   **(1) FOLLOW THE SAME PROCEDURES THAT IT FOLLOWS WHEN A**  
6 **LAW ENFORCEMENT OFFICER DISCHARGES A FIREARM; AND**

7                   **(2) FILE A REPORT WITH THE GOVERNOR'S OFFICE OF CRIME**  
8 **CONTROL AND PREVENTION DOCUMENTING THE DISCHARGE OF THE**  
9 **ELECTRONIC WEAPON.**

10           **(C) WHENEVER AN INDIVIDUAL OTHER THAN A LAW ENFORCEMENT**  
11 **OFFICER DISCHARGES AN ELECTRONIC WEAPON, AND A LAW ENFORCEMENT**  
12 **OFFICER REPORTS TO THE SCENE, THE LAW ENFORCEMENT OFFICER SHALL**  
13 **FILE A REPORT WITH THE GOVERNOR'S OFFICE OF CRIME CONTROL AND**  
14 **PREVENTION DOCUMENTING THE DISCHARGE OF THE ELECTRONIC WEAPON.**

15           **(D) THE GOVERNOR'S OFFICE OF CRIME CONTROL AND PREVENTION**  
16 **SHALL COMPILE AND ALLOW PUBLIC INSPECTION OF ALL REPORTS FILED**  
17 **RELATING TO THE DISCHARGE OF ELECTRONIC WEAPONS BY LAW**  
18 **ENFORCEMENT OFFICERS AND OTHER INDIVIDUALS.**

19           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
20           October 1, 2008.

Approved:

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Governor.

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Speaker of the House of Delegates.

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President of the Senate.