

COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND
Legislative Session 2009, Legislative Day No. 13

Bill No. 59-09

Mr. Joseph Bartenfelder, Chairman
By Request of County Executive

By the County Council, August 3, 2009

A BILL
ENTITLED

AN ACT concerning

Electronic Control Devices

FOR the purpose of clarifying that county law applies to electronic control devices; amending the definition of a certain term; clarifying the scope of county law; and generally relating to the use and transfer of electronic control devices in the county.

By repealing and reenacting, with amendments

Section 17-2-104
Title 2. Firearms and weapons
Article 17. Miscellaneous provisions and offenses
Baltimore County Code, 2003

1 SECTION 1. BE IT ENACTED BY THE COUNTY COUNCIL OF BALTIMORE
2 COUNTY, MARYLAND, that Section 17-2-104, of Title 2. Firearms and weapons, of Article 17.
3 Miscellaneous provisions and offenses, of the Baltimore County Code, 2003 as amended, is hereby
4 repealed and reenacted, with amendments, to read as follows:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
 [Brackets] indicate matter stricken from existing law.
 ~~Strike out~~ indicates matter stricken from bill.
 Underlining indicates amendments to bill.

1 § 17-2-104.

1 (a) (1) In this section the following words have the meanings indicated.

2 (2) (i) ["Stun gun"] "ELECTRONIC CONTROL DEVICE" means [any] A
3 portable[, electronic shock transmitting] device [that is] designed [and intended to incapacitate an
4 individual's neuromuscular system] AS A WEAPON CAPABLE OF INJURING, IMMOBILIZING,
5 OR INFLICTING PAIN ON AN INDIVIDUAL by the discharge of [nonprojectible electric]
6 ELECTRICAL current.

7 (ii) ["Stun gun"] "ELECTRONIC CONTROL DEVICE" does not include
8 bona fide medical equipment.

9 (3) "Law enforcement personnel" means a full-time member of a police force or
10 other agency of the United States, a state, county, municipal corporation, or other political
11 subdivision who is responsible for the prevention and detection of crime and the enforcement of
12 laws.

13 (b) [(1) Except for] THIS SECTION DOES NOT APPLY TO law enforcement
14 personnel ACTING [while] WITHIN THE SCOPE OF OR in the performance of official [duties,
15 a] DUTIES.

16 (C)(1) A person may not use, possess, or discharge [a stun gun] AN ELECTRONIC
17 CONTROL DEVICE.

18 (2) A person may not sell, offer to sell, rent, offer to rent, transfer, or offer to
19 transfer [a stun gun] AN ELECTRONIC CONTROL DEVICE to a person [unless the person is law
20 enforcement personnel].

21 [(c)] (D) A person who violates this section is guilty of a misdemeanor and on
22 conviction is subject to a fine not exceeding \$1,000 or imprisonment not exceeding 6 months or
23 both.

24 SECTION 2. AND BE IT FURTHER ENACTED, that this Act, having passed by the
25 affirmative vote of five members of the County Council, shall take effect on September 21, 2009.

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