

CRIMINAL LAW
TITLE 4. WEAPON CRIMES
SUBTITLE 1. GENERAL PROVISIONS

Md. CRIMINAL LAW Code Ann. § 4-109 (2016)

§ 4-109. Electronic control device

(a) Definitions. --

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

(2) "Crime of violence" has the meaning stated in § 14-101 of this article.

(3) "Electronic control device" means a portable device designed as a weapon capable of injuring, immobilizing, or inflicting pain on an individual by the discharge of electrical current.

(b) Requirements for possession or use. -- A person may not possess or use an electronic control device unless the person:

(1) has attained the age of 18 years; and

(2) has never been convicted of a crime of violence or a violation of § 5-602, § 5-603, § 5-604, § 5-605, § 5-606, § 5-613, or § 5-614 of this article.

(c) Prohibitions. -- An electronic control device may not be sold and activated in the State unless:

(1) an instructional manual or audio or audiovisual instructions are provided to the purchaser;

(2) the manufacturer maintains a record of the original owner of the electronic control device; and

(3) the manufacturer or seller has obtained a State and federal criminal history records check of the original owner to ensure compliance with subsection (b)(2) of this section.

(d) Access to manufacturer's records. -- A manufacturer of electronic control devices shall provide an investigating law enforcement agency with prompt access to the manufacturer's records on electronic control devices and cartridges sold in the State.

(e) Penalty. --

(1) A person who violates subsection (b) of this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 2 months or a fine not exceeding \$ 500 or both.

(2) A person who violates subsection (b) of this section while committing a separate crime that is a crime of violence is guilty of a felony and on conviction is subject to imprisonment not exceeding 3 years or a fine not exceeding \$ 5,000 or both.

(f) More stringent requirements by local governments allowed. -- This section does not prohibit a local

government from adopting a restriction or requirement concerning the possession of an electronic control device that is more stringent than the requirements of this section.

HISTORY: 2009, chs. 320, 321.