

# MAINE STATE LEGISLATURE

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1008

L.D. 1271

DATE: 5/20/05

(Filing No. H-449)

CRIMINAL JUSTICE AND PUBLIC SAFETY

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STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
122ND LEGISLATURE  
FIRST SPECIAL SESSION

COMMITTEE AMENDMENT "A" to H.P. 868, L.D. 1271, Bill, "An Act Regarding the Possession of an Electronic Weapon"

Amend the bill by striking out the title and substituting the following:

'An Act Regarding Criminal Use of an Electronic Weapon'

Further amend the bill by striking out everything after the enacting clause and before the summary and inserting in its place the following:

'Sec. 1. 17-A MRSA §1004 is enacted to read:

§1004. Criminal use of electronic weapon

1. Except as provided in subsection 4, a person is guilty of criminal use of an electronic weapon if the person intentionally, knowingly or recklessly uses an electronic weapon upon any other person.

2. As used in this section, "electronic weapon" means a portable device or weapon from which an electrical current, impulse, wave or beam may be directed, which current, impulse, wave or beam is designed to have a disabling effect upon human beings.

3. Criminal use of an electronic weapon is a Class D crime.

COMMITTEE AMENDMENT

2 4. This section does not apply to the use of an electronic  
3 weapon by:

4  
5 A. A law enforcement officer, corrections officer or  
6 corrections supervisor engaged in the performance of the law  
7 enforcement officer's, corrections officer's or corrections  
8 supervisor's public duty if the officer's or corrections  
9 supervisor's appointing authority has authorized such use of  
10 an electronic weapon; or

11 B. A person using deadly force when that use is for the  
12 purpose of:

13 (1) Defending that person or a 3rd person as  
14 authorized under section 108, subsection 2; or

15 (2) Defending that person's dwelling place as  
16 authorized under section 104, subsections 3 and 4.'

## 22 SUMMARY

23 This amendment replaces the bill and criminalizes the  
24 intentional, knowing or reckless use of an electronic weapon by a  
25 person against another human being with 2 exceptions. First, the  
26 crime does not apply to the use of an electronic weapon by a law  
27 enforcement officer, corrections officer or corrections  
28 supervisor while engaged in the performance of public duty if an  
29 appointing authority has authorized such use of an electronic  
30 weapon under the circumstance. Second, the crime does not apply  
31 to the use of electronic weapons by persons when legally entitled  
32 to employ deadly force to protect themselves or 3rd persons  
33 pursuant to the Maine Revised Statutes, Title 17-A, section 108,  
34 subsection 2 or to defend their dwelling places pursuant to Title  
35 17-A, section 104, subsections 3 and 4. Criminal use of an  
36 electronic weapon is a Class D crime. "Electronic weapon" is  
37 defined similarly to the term in the bill except that the weapon  
38 "is designed to have a disabling effect upon human beings" rather  
39 than "to cause bodily injury or serious bodily injury to a  
40 person" as originally proposed. The definition is intended to  
41 include, but not be limited to, stun gun weapons, such as Tasers.

42  
43  
44  
45 **FISCAL NOTE REQUIRED**  
46 **(See attached)**



# 122nd MAINE LEGISLATURE

LD 1271

LR 2199(02)

## An Act Regarding the Possession of an Electronic Weapon

Fiscal Note for Bill as Amended by Committee Amendment "A"

Committee: Criminal Justice and Public Safety

Fiscal Note Required: Yes

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### Fiscal Note

Minor cost increase - General Fund  
Minor revenue increase - General Fund

### Correctional and Judicial Impact Statements

Establishes a new Class D crime.

The collection of additional fines may also increase General Fund revenue by minor amounts.