





**Council Bill 17-0056**

(II) LACKS THE MENTAL CAPACITY TO CONTRACT OR MANAGE HIS OR HER OWN AFFAIRS.

(4) "MENTAL DISORDER".

(I) "MENTAL DISORDER" MEANS A BEHAVIORAL OR EMOTIONAL ILLNESS THAT RESULTS FROM A PSYCHIATRIC DISORDER.

(II) "MENTAL DISORDER" INCLUDES A MENTAL ILLNESS THAT SO SUBSTANTIALLY IMPAIRS THE MENTAL OR EMOTIONAL FUNCTIONING OF AN INDIVIDUAL AS TO MAKE CARE OR TREATMENT NECESSARY OR ADVISABLE FOR THE WELFARE OF THE INDIVIDUAL OR FOR THE SAFETY OF THE PERSON OR PROPERTY OF ANOTHER.

(5) "PROTECTIVE ORDER".

"PROTECTIVE ORDER" MEANS A TEMPORARY OR FINAL PROTECTIVE ORDER ENTERED UNDER THE AUTHORITY OF MARYLAND CODE, FAMILY LAW ARTICLE, §§ 4-505 AND 4-506.

(B) [(a)] *Possession or sale, etc., prohibited.*

IN ADDITION TO ALL STATE LAW PROHIBITIONS AND PENALTIES ON THE SALES OF ELECTRONIC CONTROL DEVICES, INCLUDING NO SALES TO MINORS, NO SALES TO THOSE CONVICTED OF CERTAIN CRIMES, AND NO SALES WITHOUT BACKGROUND CHECKS, IT IS UNLAWFUL IN THE CITY:

(1) ~~It shall be unlawful~~ FOR ANY PERSON TO POSSESS AN ELECTRONIC CONTROL DEVICE IN A:

(I) PUBLIC SCHOOL;

(II) STATE PUBLIC BUILDING; OR

(III) CITY PUBLIC BUILDING [for any person, firm, or corporation to sell, give away, lend, rent or transfer to any individual, firm, or corporation a stun gun or other electronic device by whatever name or description which discharges a non-projectile electric current within the limits of the City of Baltimore];

(2) ~~IT SHALL BE UNLAWFUL~~ FOR ANY PERSON TO SELL OR SHIP AN ELECTRONIC CONTROL DEVICE TO ANY OTHER PERSON KNOWING OR HAVING REASONABLE CAUSE TO BELIEVE THAT THE OTHER PERSON HAS BEEN:

(I) ADJUDICATED AS A MENTAL DEFECTIVE; OR

(II) COMMITTED TO ANY MENTAL INSTITUTION; [It further shall be unlawful for any person to possess, fire, or discharge any such stun gun or electronic device within the City.]

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1 (3) ~~IT SHALL BE UNLAWFUL~~ FOR ANY PERSON TO POSSESS AN ELECTRONIC CONTROL  
2 DEVICE IF THE PERSON SUFFERS FROM A MENTAL DISORDER AND HAS A HISTORY OF  
3 VIOLENT BEHAVIOR AGAINST THEMSELVES OR ANOTHER-; AND

4 (4) ~~IT SHALL BE UNLAWFUL~~ FOR ANY PERSON SUBJECT TO A PROTECTIVE ORDER TO  
5 POSSESS AN ELECTRONIC CONTROL DEVICE FOR THE DURATION OF THE PROTECTIVE  
6 ORDER.

7 (C) [(b)] *Exceptions.*

8 Nothing in this [subsection] SECTION shall be held to apply to any member of the  
9 Baltimore City Police Department or any other law enforcement officer while in the  
10 performance of his or her official duty.

11 (D) [(c)] *Penalties.*

12 Any violation of the provisions of this section shall be deemed to be a misdemeanor,  
13 subject upon conviction to a fine of not more than ~~\$500~~ \$1,000 or to imprisonment for  
14 not longer than ~~60 days~~ 12 MONTHS or to both fine and imprisonment, in the discretion of  
15 the Court.

16 **SECTION 2. AND BE IT FURTHER ORDAINED**, That the catchlines contained in this Ordinance  
17 are not law and may not be considered to have been enacted as a part of this or any prior  
18 Ordinance.

19 **SECTION 3. AND BE IT FURTHER ORDAINED**, That this Ordinance takes effect on the date it is  
20 enacted.

**Council Bill 17-0056**

Certified as duly passed this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_

\_\_\_\_\_  
President, Baltimore City Council

Certified as duly delivered to Her Honor, the Mayor,  
this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_

\_\_\_\_\_  
Chief Clerk

Approved this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_

\_\_\_\_\_  
Mayor, Baltimore City