

SENATE RULES COMMITTEE SUBSTITUTE FOR  
SENATE BILL 1092

47TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2005

AN ACT

RELATING TO CRIMINAL LAW; CREATING A NEW CRIMINAL OFFENSE KNOWN  
AS POSSESSION AND SALE OF A STUN GUN; PROVIDING PENALTIES;  
ENACTING A NEW SECTION OF THE NMSA 1978.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. A new section of Chapter 30, Article 7 NMSA  
1978 is enacted to read:

"[NEW MATERIAL] POSSESSION OR SALE OF A STUN GUN. --

A. Possession or sale of a stun gun consists of a  
person knowingly possessing, selling or offering to sell a stun  
gun.

B. Subsection A of this section shall not apply to  
an authorized person or a manufacturer, importer or dealer who  
may demonstrate, sell, give, lend or deliver a stun gun to an  
authorized person.

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underscored material = new  
[bracketed material] = delete

1 C. Whoever commits possession or sale of a stun gun  
2 is guilty of a fourth degree felony.

3 D. As used in this section:

4 (1) "authorized person" means:

5 (a) a law enforcement officer;

6 (b) an employee of the corrections  
7 department if authorized in writing to possess and use the stun  
8 gun by the secretary of corrections;

9 (c) a local corrections officer if  
10 authorized in writing to possess and use the stun gun by the  
11 county sheriff;

12 (d) a probation officer;

13 (e) a court officer;

14 (f) a licensed private investigator; or

15 (g) an aircraft pilot or aircraft crew  
16 member who has been trained in the use, effects and risk of  
17 stun guns while performing official duties; and

18 (2) "stun gun" means any electroshock device  
19 capable of projecting or administering an electric shock that  
20 can temporarily stun or incapacitate another person. "

21 Section 2. EFFECTIVE DATE. --The effective date of the  
22 provisions of this act is July 1, 2005.