

## CHAPTER 41

### CRIMINAL USE OF EXPLOSIVES AND RELATED CRIMES

#### §1001. Criminal use of explosives

1. A person is guilty of criminal use of explosives if he intentionally or knowingly:

A. Without right, throws or places explosives into, against or upon any real or personal property; [PL 1975, c. 499, §1 (NEW).]

B. Makes, imports, transports, sends, stores, sells or offers to sell any explosives without a proper permit under the regulations, or in violation of the regulations; [PL 1975, c. 499, §1 (NEW).]

C. Sells or supplies explosives to, or buys, procures or receives explosives for, a person prohibited by the regulations from receiving explosives; or [PL 1975, c. 499, §1 (NEW).]

D. Possesses explosives with the intent to do any of the acts prohibited in this section. [PL 1975, c. 499, §1 (NEW).]

[PL 1975, c. 499, §1 (NEW).]

2. As used in this section:

A. "Explosives" means gunpowders, powders used for blasting all forms of high explosives, blasting materials, fuses (other than electric circuit breakers), detonators and other detonating agents, smokeless powders and any chemical compounds, mechanical mixtures or other ingredients in such proportions, quantities or packing that ignition by fire, by friction, by chemical reaction, by concussion, by percussion, by detonation or deflagration of the compound or material or any part thereof may cause an explosion; and [PL 2003, c. 535, §1 (AMD).]

B. "Regulations" means the rules, regulations, ordinances and bylaws issued by lawful authority pursuant to Title 25, section 2472. [PL 1999, c. 652, §1 (AMD).]

[PL 2003, c. 535, §1 (AMD).]

3. Criminal use of explosives is a Class C crime.

[PL 1975, c. 499, §1 (NEW).]

#### SECTION HISTORY

PL 1975, c. 499, §1 (NEW). PL 1999, c. 652, §1 (AMD). PL 2003, c. 535, §1 (AMD).

#### §1002. Criminal use of disabling chemicals

1. A person is guilty of criminal use of disabling chemicals if he intentionally sprays or otherwise uses upon any other person chemical mace or any similar substance composed of a mixture of gas and chemicals which has or is designed to have a disabling effect upon human beings.

[PL 1975, c. 499, §1 (NEW).]

2. Criminal use of disabling chemicals is a Class D crime.

[PL 1975, c. 499, §1 (NEW).]

3. This section shall not apply to the use of those disabling chemicals when that use is for the purpose of:

A. Defending a person under section 108; [PL 1979, c. 55 (NEW).]

B. Defending premises under section 104; or [PL 1979, c. 55 (NEW).]

C. Retaking property, preventing that taking or preventing criminal mischief under section 105; [PL 1979, c. 55 (NEW).]

as authorized for the use of nondeadly force.  
[PL 1979, c. 55 (RPR).]

#### SECTION HISTORY

PL 1975, c. 499, §1 (NEW). PL 1979, c. 55 (AMD).

#### **§1002-A. Criminal use of laser pointers**

1. A person is guilty of criminal use of a laser pointer if the person intentionally, knowingly or recklessly points a laser pointer at another person, while the laser pointer is emitting a laser beam, and:

A. Causes bodily injury to that other person. Violation of this paragraph is a Class D crime; [PL 2001, c. 383, §112 (AMD); PL 2001, c. 383, §156 (AFF).]

B. That other person is a law enforcement officer in uniform. Violation of this paragraph is a Class D crime; or [PL 2001, c. 383, §112 (AMD); PL 2001, c. 383, §156 (AFF).]

C. Causes a reasonable person to suffer intimidation, annoyance or alarm. Violation of this paragraph is a Class E crime. [PL 2001, c. 383, §112 (AMD); PL 2001, c. 383, §156 (AFF).]  
[PL 2001, c. 383, §112 (AMD); PL 2001, c. 383, §156 (AFF).]

2. For the purposes of this section, "laser pointer" means a hand-held device that emits a visible light beam amplified by the stimulated emission of radiation.  
[PL 1999, c. 163, §1 (NEW).]

3. It is a defense to a prosecution under this section that at the time of the laser pointer's use the person who intentionally, knowingly or recklessly pointed a laser pointer at another person was justified under chapter 5 in threatening or using physical force upon the other person.  
[PL 1999, c. 163, §1 (NEW).]

4. As part of every judgment of conviction and sentence imposed, every laser pointer that constitutes the basis for conviction under this section must be forfeited to the State and the court shall so order, unless another person can satisfy the court prior to the judgment and by a preponderance of the evidence that such other person had a right to possess the laser pointer, to the exclusion of the defendant, at the time of the offense.  
[PL 2001, c. 383, §113 (AMD); PL 2001, c. 383, §156 (AFF).]

#### SECTION HISTORY

PL 1999, c. 163, §1 (NEW). PL 2001, c. 383, §§112,113 (AMD). PL 2001, c. 383, §156 (AFF).

#### **§1003. Criminal use of noxious substance**

1. A person is guilty of criminal use of noxious substance if he intentionally deposits on the premises or in the vehicle or vessel of another, without his consent, any stink bomb or other device or substance which releases or is designed to release noxious offensive odors.  
[PL 1975, c. 499, §1 (NEW).]

2. Criminal use of noxious substance is a Class E crime.  
[PL 1975, c. 499, §1 (NEW).]

#### SECTION HISTORY

PL 1975, c. 499, §1 (NEW).

#### **§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.  
[PL 2005, c. 264, §1 (NEW).]

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.

[PL 2005, c. 264, §1 (NEW).]

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

[PL 2005, c. 264, §1 (NEW).]

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

A. A law enforcement officer, corrections officer or corrections supervisor engaged in the performance of the law enforcement officer's, corrections officer's or corrections supervisor's public duty if the officer's or corrections supervisor's appointing authority has authorized such use of an electronic weapon; or [PL 2005, c. 264, §1 (NEW).]

B. A person using an electronic weapon when that use is for the purpose of:

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

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

4. [PL 2009, c. 336, §12 (AMD).]

[PL 2009, c. 336, §12 (AMD).]

#### SECTION HISTORY

PL 2005, c. 264, §1 (NEW). PL 2009, c. 336, §12 (AMD).

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