

Bill No. SB 214

Barcode 710772

591-645-06

Proposed Committee Substitute by the Committee on Criminal Justice

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A bill to be entitled
An act relating to dart-firing stun guns;
amending s. 790.001, F.S.; defining the term
"dart-firing stun gun" for purposes of ch. 790,
F.S., relating to weapons and firearms;
deleting the definition of the term "remote
stun gun"; amending ss. 790.01 and 790.053,
F.S., relating to the carrying of concealed
weapons and the open carrying of weapons;
conforming provisions to the change in the
definition made by the act to authorize the
carrying of a dart-firing stun gun for purposes
of lawful self-defense; amending s. 790.054,
F.S.; providing that it is a third-degree
felony to use a dart-firing stun gun against an
on-duty law enforcement officer; creating s.
943.1717, F.S.; providing circumstances during
which law enforcement, correctional, and
correctional probation officers may employ a
dart-firing stun gun; requiring the Criminal
Justice Standards and Training Commission to
establish standards for instruction in the use
of dart-firing stun guns; requiring that a
minimum number of hours in such training be
included in the basic-skills course required
for certification; requiring annual training
for certain officers; providing an effective
date.

Be It Enacted by the Legislature of the State of Florida:

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1 Section 1. Subsection (15) of section 790.001, Florida
2 Statutes, is amended to read:

3 790.001 Definitions.--As used in this chapter, except
4 where the context otherwise requires:

5 (15) "~~Dart-firing Remote~~ stun gun" means any ~~nonlethal~~
6 device having one or more with a tethered darts that are
7 capable of delivering an electrical current range not to
8 ~~exceed 16 feet and which shall utilize an identification and~~
9 ~~tracking system which, upon use, disperses coded material~~
10 ~~traceable to the purchaser through records kept by the~~
11 ~~manufacturer on all remote stun guns and all individual~~
12 ~~cartridges sold which information shall be made available to~~
13 ~~any law enforcement agency upon request.~~

14 Section 2. Subsections (4) and (5) of section 790.01,
15 Florida Statutes, are amended to read:

16 790.01 Carrying concealed weapons.--

17 (4) It is not a violation of this section for a person
18 to carry for purposes of lawful self-defense, in a concealed
19 manner:

20 (a) A self-defense chemical spray.

21 (b) A nonlethal stun gun or dart-firing remote stun
22 gun or other nonlethal electric weapon or device that which
23 ~~does not fire a dart or projectile and~~ is designed solely for
24 defensive purposes.

25 (5) This section does not preclude any prosecution for
26 the use of an electric weapon or device, a dart-firing or
27 ~~remote~~ stun gun, or a self-defense chemical spray during the
28 commission of any criminal offense under s. 790.07, s. 790.10,
29 s. 790.23, or s. 790.235, or for any other criminal offense.

30 Section 3. Section 790.053, Florida Statutes, is
31 amended to read:

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1 790.053 Open carrying of weapons.--

2 (1) Except as otherwise provided by law and in
3 subsection (2), it is unlawful for any person to openly carry
4 on or about his or her person any firearm or electric weapon
5 or device.

6 (2) A person may openly carry, for purposes of lawful
7 self-defense:

8 (a) A self-defense chemical spray.

9 (b) A nonlethal stun gun or dart-firing ~~remote~~ stun
10 gun or other nonlethal electric weapon or device that ~~which~~
11 ~~does not fire a dart or projectile and~~ is designed solely for
12 defensive purposes.

13 (3) Any person violating this section commits a
14 misdemeanor of the second degree, punishable as provided in s.
15 775.082 or s. 775.083.

16 Section 4. Section 790.054, Florida Statutes, is
17 amended to read:

18 790.054 Prohibited use of self-defense weapon or
19 device against law enforcement officer; penalties.--A person
20 who knowingly and willfully uses a self-defense chemical
21 spray, ~~or~~ a nonlethal stun gun or other nonlethal electric
22 weapon or device, ~~or~~ a dart-firing ~~remote~~ stun gun against a
23 law enforcement officer engaged in the performance of his or
24 her duties commits a felony of the third degree, punishable as
25 provided in s. 775.082, s. 775.083, or s. 775.084.

26 Section 5. Section 943.1717, Florida Statutes, is
27 created to read:

28 943.1717 Use of dart-firing stun guns.--

29 (1) A decision by a law enforcement officer,
30 correctional officer, or correctional probation officer to use
31 a dart-firing stun gun must involve an arrest or a custodial

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1 situation during which the person who is the subject of the
2 arrest or custody escalates resistance to the officer from
3 passive physical resistance to active physical resistance and
4 the person:

5 (a) Has the apparent ability to physically threaten
6 the officer or others; or

7 (b) Is preparing or attempting to flee or escape.

8 (2) The Criminal Justice Standards and Training
9 Commission shall establish standards for instructing law
10 enforcement, correctional, and correctional probation officers
11 in the use of dart-firing stun guns. The instructional
12 standards must include the effect that a dart-firing stun gun
13 may have on a person.

14 (3) Each basic-skills course required for
15 certification as a law enforcement, correctional, or
16 correctional probation officer must include instruction on the
17 use of dart-firing stun guns. The portion of the basic-skills
18 course on the use of stun guns must be a minimum of 4 hours'
19 duration.

20 (4) After completing the basic-skills course, each law
21 enforcement, correctional, and correctional probation officer
22 who is authorized by his or her agency to use a dart-firing
23 stun gun must complete an annual training course on the use of
24 dart-firing stun guns. The annual training course on the use
25 of dart-firing stun guns must be a minimum of 1 hour duration.

26 Section 6. This act shall take effect upon becoming a
27 law.

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