

1                                   A bill to be entitled  
 2           An act relating to domestic violence; amending s.  
 3           790.233, F.S.; prohibiting persons subject to  
 4           temporary injunctions against specified forms of  
 5           violence from possessing firearms or ammunition;  
 6           prohibiting persons subject to injunctions against  
 7           acts of repeat violence, dating violence, or sexual  
 8           violence from possessing firearms or ammunition;  
 9           deleting a provision relating to legislative intent;  
 10          creating s. 790.234, F.S.; requiring a law enforcement  
 11          officer to take temporary custody of firearms at the  
 12          scene of a domestic violence, stalking or  
 13          cyberstalking, or repeat violence, dating violence, or  
 14          sexual violence incident; providing for return of  
 15          firearms after a specified period; amending s. 741.31,  
 16          F.S.; specifying that texting is a violation of an  
 17          injunction for protection against domestic violence or  
 18          a foreign protection order; conforming a provision to  
 19          changes made by the act; providing an effective date.  
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21   Be It Enacted by the Legislature of the State of Florida:

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 23           Section 1.   Section 790.233, Florida Statutes, is amended  
 24   to read:

25           790.233   Possession of firearm or ammunition prohibited

26 | when person is subject to certain injunctions ~~an injunction~~  
 27 | ~~against committing acts of domestic violence, stalking, or~~  
 28 | ~~cyberstalking; penalties.-~~

29 | (1) A person may not have in his or her care, custody,  
 30 | possession, or control any firearm or ammunition if the person  
 31 | has been issued an a-final injunction, whether temporary or  
 32 | final, that is currently in force and effect, ~~restraining that~~  
 33 | ~~person from committing acts of domestic violence, as issued~~  
 34 | ~~under s. 741.30; or from committing acts of stalking or~~  
 35 | ~~cyberstalking, as issued under s. 784.0485; or from committing~~  
 36 | ~~acts of repeat violence, dating violence, or sexual violence, as~~  
 37 | ~~issued under s. 784.046.~~

38 | (2) A person who violates subsection (1) commits a  
 39 | misdemeanor of the first degree, punishable as provided in s.  
 40 | 775.082 or s. 775.083.

41 | (3) ~~It is the intent of the Legislature that the~~  
 42 | ~~disabilities regarding possession of firearms and ammunition are~~  
 43 | ~~consistent with federal law. Accordingly,~~ This section does not  
 44 | apply to a state or local officer as defined in s. 943.10(14),  
 45 | holding an active certification, who receives or possesses a  
 46 | firearm or ammunition for use in performing official duties on  
 47 | behalf of the officer's employing agency, unless otherwise  
 48 | prohibited by the employing agency.

49 | Section 2. Section 790.234, Florida Statutes, is created  
 50 | to read:

51 790.234 Domestic violence, stalking, etc.; temporary  
 52 custody of firearms.—

53 (1) When at the scene of an alleged act of domestic  
 54 violence as defined in s. 741.28; stalking or cyberstalking, as  
 55 defined in s. 784.0485; or from committing acts of repeat  
 56 violence, dating violence, or sexual violence, as defined in s.  
 57 784.046, a law enforcement officer shall remove a firearm from  
 58 the scene if:

59 (a) The law enforcement officer has probable cause to  
 60 believe that an act of domestic violence, stalking or  
 61 cyberstalking, or repeat violence, dating violence, or sexual  
 62 violence has occurred; and

63 (b) The firearm is in plain view or is discovered during a  
 64 consensual or other lawful search.

65 (2) If a firearm is removed from the scene under  
 66 subsection (1), the law enforcement officer shall:

67 (a) Provide to the owner of the firearm information on the  
 68 process for retaking possession of the firearm.

69 (b) Provide for the safe storage of the firearm during the  
 70 pendency of any proceeding related to the alleged act of  
 71 domestic violence, stalking or cyberstalking, or repeat  
 72 violence, dating violence, or sexual violence.

73 (3) Within 14 days after the conclusion of a proceeding on  
 74 the alleged act of domestic violence, stalking or cyberstalking,  
 75 or repeat violence, dating violence, or sexual violence, the

76 | owner of the firearm may retake possession of the firearm unless  
 77 | ordered to surrender the firearm pursuant to s. 790.233.

78 | Section 3. Paragraph (a) of subsection (4) of section  
 79 | 741.31, Florida Statutes, is amended to read:

80 | 741.31 Violation of an injunction for protection against  
 81 | domestic violence.—

82 | (4) (a) A person who willfully violates an injunction for  
 83 | protection against domestic violence issued pursuant to s.  
 84 | 741.30, or a foreign protection order accorded full faith and  
 85 | credit pursuant to s. 741.315, by:

86 | 1. Refusing to vacate the dwelling that the parties share;

87 | 2. Going to, or being within 500 feet of, the petitioner's  
 88 | residence, school, place of employment, or a specified place  
 89 | frequented regularly by the petitioner and any named family or  
 90 | household member;

91 | 3. Committing an act of domestic violence against the  
 92 | petitioner;

93 | 4. Committing any other violation of the injunction  
 94 | through an intentional unlawful threat, word, or act to do  
 95 | violence to the petitioner;

96 | 5. Telephoning, contacting, texting, or otherwise  
 97 | communicating with the petitioner directly or indirectly, unless  
 98 | the injunction specifically allows indirect contact through a  
 99 | third party;

100 | 6. Knowingly and intentionally coming within 100 feet of

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101 the petitioner's motor vehicle, whether or not that vehicle is  
102 occupied;

103 7. Defacing or destroying the petitioner's personal  
104 property, including the petitioner's motor vehicle; or

105 8. Refusing to surrender firearms or ammunition ~~if ordered~~  
106 ~~to do so by the court~~

107

108 commits a misdemeanor of the first degree, punishable as  
109 provided in s. 775.082 or s. 775.083, except as provided in  
110 paragraph (c).

111 Section 4. This act shall take effect July 1, 2017.