

By Representative Bronson

1 A bill to be entitled
2 An act relating to carrying of self-defense
3 weapons or devices; amending s. 790.001, F.S.;
4 providing an exception for certain self-defense
5 chemical sprays from the definition of "tear
6 gas gun," "chemical weapon," or "device";
7 amending s. 790.01, F.S., relating to carrying
8 concealed weapons; providing that certain
9 chemical weapons or devices, or stun guns or
10 nonlethal electric weapons or devices, may be
11 carried openly or concealed for lawful
12 self-defense, without violating specified
13 prohibitions; amending s. 790.053, F.S.,
14 relating to open carrying of weapons; providing
15 that certain chemical weapons or devices, or
16 stun guns or nonlethal electric weapons or
17 devices may be carried openly for lawful
18 self-defense, without violating specified
19 prohibitions; creating s. 790.054, F.S.;
20 defining the offense of knowingly and willfully
21 using a chemical weapon or device or stun gun
22 or nonlethal electric weapon or device against
23 a law enforcement officer engaged in the
24 performance of duty, and providing penalties
25 therefor; providing an effective date.

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27 WHEREAS, the people of this state have a right to
28 defend themselves against criminal attack, and

29 WHEREAS, no law-abiding person should be denied the
30 right to carry and use nonlethal defensive weapons or devices
31 to repel criminal attack, and

1 WHEREAS, many people, particularly women, choose to
2 carry nonlethal weapons and devices designed for defensive use
3 against rape and other criminal violence, and

4 WHEREAS, it is unreasonable to punish law-abiding
5 people for carrying nonlethal defensive weapons for lawful
6 self-defense, NOW, THEREFORE,

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

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10 Section 1. Paragraph (b) of subsection (3) of section
11 790.001, Florida Statutes, is amended to read:

12 790.001 Definitions.--The following words and phrases,
13 when used in this chapter, shall, for the purposes of this
14 chapter, have the meanings respectively ascribed to them in
15 this chapter, except where the context otherwise requires:

16 (3)

17 (b) "Tear gas gun," "chemical weapon," or "device"
18 shall apply to all weapons of such nature except those
19 self-defense chemical sprays designed to be carried in or
20 clipped to a woman's handbag or clothing or a man's pants or
21 coat pocket, or designed as a pocket pencil or pen, or
22 designed to be carried on a key ring ~~and containing not more~~
23 ~~than one-half ounce of chemical.~~

24 Section 2. Section 790.01, Florida Statutes, is
25 amended to read:

26 790.01 Carrying concealed weapons.--

27 (1) A person who carries ~~whoever shall carry~~ a
28 concealed weapon or electric weapon or device on or about his
29 or her person commits ~~shall be guilty of~~ a misdemeanor of the
30 first degree, punishable as provided in s. 775.082 or s.
31 775.083.

1 (2) A person who carries ~~whoever shall carry~~ a
2 concealed firearm on or about his or her person commits ~~shall~~
3 ~~be guilty of~~ a felony of the third degree, punishable as
4 provided in s. 775.082, s. 775.083, or s. 775.084.

5 (3) Nothing in this section shall relate to persons
6 licensed as set forth in ss. 790.053 and 790.06.

7 (4) It is not a violation of this section for a person
8 to carry openly or concealed any chemical weapon or device
9 designed to be carried in or clipped to a woman's handbag or
10 clothing or a man's pants or coat pocket, or designed as a
11 pocket pencil or pen, or designed to be carried on a key ring,
12 or otherwise designed to be carried on or about the person for
13 defensive purposes as long as the chemical weapon or device is
14 carried for lawful self-defense.

15 (5) It is not a violation of this section for a person
16 to carry openly or concealed a stun gun or nonlethal electric
17 weapon or device designed solely for defensive purposes, which
18 weapon or device does not fire a dart or projectile, as long
19 as the stun gun or nonlethal electric weapon or device is
20 carried for lawful self-defense.

21 Section 3. Section 790.053, Florida Statutes, is
22 amended to read:

23 790.053 Open carrying of weapons.--Except as otherwise
24 provided by law, it shall be unlawful for any person to openly
25 carry on or about his or her person any firearm or electric
26 weapon or device; provided, however, that:

27 (1) A person may openly carry any chemical weapon or
28 device designed to be carried in or clipped to a woman's
29 handbag or clothing or a man's pants or coat pocket, or
30 designed as a pocket pencil or pen, or designed to be carried
31 on a key ring, or otherwise designed to be carried on or about

1 the person for defensive purposes as long as the chemical
2 weapon or device is carried for lawful self-defense.

3 (2) A person may openly carry a stun gun or nonlethal
4 electric weapon or device designed solely for defensive
5 purposes, which weapon does not fire a dart or projectile as
6 long as such weapon or device is carried for lawful
7 self-defense.

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9 Any person violating this section commits ~~shall be guilty of~~ a
10 misdemeanor of the second degree, punishable as provided in s.
11 775.082 or s. 775.083.

12 Section 4. Effective October 1, 1997, and applicable
13 to offenses committed on or after that date, section 790.054,
14 Florida Statutes, is created to read:

15 790.054 Prohibited use of self-defense weapon or
16 device against law enforcement officer;
17 penalties.--Notwithstanding ss. 790.001(3)(b), 790.01, and
18 790.053, a person who knowingly and willfully uses any weapon
19 or device described in subsection (1) or subsection (2)
20 against a law enforcement officer engaged in the performance
21 of his or her duty commits a felony of the third degree,
22 punishable as provided in s. 775.082, s. 775.083, or s.
23 775.084.

24 (1) A chemical weapon or device designed to be carried
25 in or clipped to a woman's handbag or clothing or a man's
26 pants or coat pocket, or designed as a pocket pencil or pen,
27 or designed to be carried on a key ring, or otherwise designed
28 to be carried on or about the person for defensive purposes.

29 (2) A stun gun or nonlethal electric weapon or device
30 designed solely for defensive purposes, which weapon does not
31 fire a dart or projectile.

1 Section 5. Except as otherwise provided herein, this
2 act shall take effect upon becoming a law.

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5 HOUSE SUMMARY

6 Provides an exception for certain self-defense chemical
7 sprays from the definition of "tear gas gun," "chemical
8 weapon," or "device." Provides that certain chemical
9 weapons or devices, or stun guns or nonlethal electric
10 weapons or devices, may be carried openly or concealed
11 for lawful self-defense purposes, without violating
12 specified prohibitions against carrying open or concealed
13 weapons. Defines the offense of knowingly and willfully
14 using a chemical weapon or device or stun gun or
15 nonlethal electric weapon or device against a law
16 enforcement officer engaged in the performance of duty,
17 and provides third-degree felony penalties therefor.
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