

By the Committee on Law Enforcement & Public Safety and
Representatives Bronson, Futch and Feeney

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" or "chemical weapon or device";
7 providing a definition of "self-defense
8 chemical spray"; amending s. 790.01, F.S.,
9 relating to carrying concealed weapons;
10 providing that self-defense chemical sprays and
11 nonlethal stun guns and other nonlethal
12 electric weapons or devices may be lawfully
13 carried in a concealed manner in certain
14 circumstances; clarifying language; amending s.
15 790.053, F.S., relating to open carrying of
16 weapons; providing that self-defense chemical
17 sprays and nonlethal stun guns and other
18 nonlethal electric weapons or devices may be
19 lawfully carried in an open manner in certain
20 circumstances; clarifying language; creating s.
21 790.054, F.S.; defining the offense of
22 knowingly and willfully using self-defense
23 chemical sprays and nonlethal stun guns and
24 other nonlethal electric weapons or devices
25 against a law enforcement officer engaged in
26 official duties, and providing penalties
27 therefor; providing effective dates.

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29 Be It Enacted by the Legislature of the State of Florida:
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1 Section 1. The introductory paragraph and paragraph
2 (b) of subsection (3) of section 790.001, Florida Statutes,
3 are amended to read:

4 790.001 Definitions.--As used in this chapter ~~The~~
5 ~~following words and phrases, when used in this chapter, shall,~~
6 ~~for the purposes of this chapter, have the meanings~~
7 ~~respectively ascribed to them in this chapter,~~ except where
8 the context otherwise requires:

9 (3)(a) "Concealed weapon" means any dirk, metallic
10 knuckles, slungshot, billie, tear gas gun, chemical weapon or
11 device, or other deadly weapon carried on or about a person in
12 such a manner as to conceal the weapon from the ordinary sight
13 of another person.

14 (b) "Tear gas gun" or "chemical weapon or device"
15 means any weapon of such nature, except a device known as a
16 "self-defense chemical spray." "Self-defense chemical spray"
17 means a device carried solely for purposes of lawful
18 self-defense that is compact in size, designed to be carried
19 on or about the person, and contains not more than two ounces
20 of chemical ~~"Tear gas gun," "chemical weapon," or "device"~~
21 ~~shall apply to all weapons of such nature except those~~
22 ~~designed to be carried in a woman's handbag or a man's pants~~
23 ~~or coat pocket or designed as a pocket pencil or pen and~~
24 ~~containing not more than one-half ounce of chemical.~~

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

27 790.01 Carrying concealed weapons.--

28 (1) Except as provided in subsection (4), a person who
29 carries ~~whoever shall carry~~ a concealed weapon or electric
30 weapon or device on or about his or her person commits ~~shall~~

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1 ~~be guilty of~~ a misdemeanor of the first degree, punishable as
2 provided in s. 775.082 or s. 775.083.

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

7 (3) This section does not apply to a person ~~Nothing in~~
8 ~~this section shall relate to persons~~ licensed to carry a
9 concealed weapon or a concealed firearm pursuant to the
10 provisions of s. as set forth in ss. 790.053 and 790.06.

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

14 (a) A self-defense chemical spray.

15 (b) A nonlethal stun gun or other nonlethal electric
16 weapon or device which does not fire a dart or projectile and
17 is designed solely for defensive purposes.

18 Section 3. Section 790.053, Florida Statutes, is
19 amended to read:

20 790.053 Open carrying of weapons.--

21 (1) Except as otherwise provided by law and in
22 subsection (2), it is shall be unlawful for any person to
23 openly carry on or about his or her person any firearm or
24 electric weapon or device.

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

27 (a) A self-defense chemical spray.

28 (b) A nonlethal stun gun or other nonlethal electric
29 weapon or device which does not fire a dart or projectile and
30 is designed solely for defensive purposes; ~~provided, however,~~
31 ~~that a person may openly carry a stun gun or nonlethal~~

1 ~~electric weapon or device designed solely for defensive~~
2 ~~purposes, which weapon does not fire a dart or projectile.~~

3 (3) Any person violating this section commits ~~shall be~~
4 ~~guilty of~~ a misdemeanor of the second degree, punishable as
5 provided in s. 775.082 or s. 775.083.

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

9 790.054 Prohibited use of self-defense weapon or
10 device against law enforcement officer; penalties.--A person
11 who knowingly and willfully uses a self-defense chemical spray
12 or a nonlethal stun gun or other nonlethal electric weapon or
13 device against a law enforcement officer engaged in the
14 performance of his or her duties commits a felony of the third
15 degree, punishable as provided in s. 775.082, s. 775.083, or
16 s. 775.084.

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

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