

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; providing
15 for construction not to preclude criminal
16 prosecutions; amending s. 790.053, F.S.,
17 relating to open carrying of weapons; providing
18 that self-defense chemical sprays and nonlethal
19 stun guns and other nonlethal electric weapons
20 or devices may be lawfully carried in an open
21 manner in certain circumstances; clarifying
22 language; creating s. 790.054, F.S.; defining
23 the offense of knowingly and willfully using
24 self-defense chemical sprays and nonlethal stun
25 guns and other nonlethal electric weapons or
26 devices against a law enforcement officer
27 engaged in official duties, and providing
28 penalties therefor; providing effective dates.
29
30 Be It Enacted by the Legislature of the State of Florida:
31

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 (14)(b) "Remote Stun Gun" means any nonlethal device
26 with a tethered range not to exceed 16 feet and which shall
27 utilize an identification and tracking system which, upon use,
28 disperses coded material traceable to the purchaser through
29 records kept by the manufacturer on all remote stun guns and
30 all individual cartridges sold which information shall be made
31 available to any law enforcement agency upon request.

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

3 790.01 Carrying concealed weapons.--

4 (1) Except as provided in subsection (4), a person who
5 carries ~~whoever shall carry~~ a concealed weapon or electric
6 weapon or device on or about his or her person commits ~~shall~~
7 ~~be guilty of~~ a misdemeanor of the first degree, punishable as
8 provided in s. 775.082 or s. 775.083.

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

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

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 remote stun gun or other
22 nonlethal electric weapon or device which does not fire a dart
23 or projectile and is designed solely for defensive purposes.

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

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

31 790.053 Open carrying of weapons.--

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

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

7 (a) A self-defense chemical spray.

8 (b) A nonlethal stun gun or remote stun gun or other
9 nonlethal electric weapon or device which does not fire a dart
10 or projectile and is designed solely for defensive purposes
11 ~~provided, however, that a person may openly carry a stun gun~~
12 ~~or nonlethal electric weapon or device designed solely for~~
13 ~~defensive purposes, which weapon does not fire a dart or~~
14 ~~projectile.~~

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

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

21 790.054 Prohibited use of self-defense weapon or
22 device against law enforcement officer; penalties.--A person
23 who knowingly and willfully uses a self-defense chemical spray
24 or a nonlethal stun gun or other nonlethal electric weapon or
25 device or remote stun gun against a law enforcement officer
26 engaged in the performance of his or her duties commits a
27 felony of the third degree, punishable as provided in s.
28 775.082, s. 775.083, or s. 775.084.

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

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