

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" and "remote stun gun"; amending  
9           s. 790.01, F.S., relating to carrying concealed  
10          weapons; providing that self-defense chemical  
11          sprays and nonlethal stun guns and other  
12          nonlethal electric weapons or devices may be  
13          lawfully carried in a concealed manner in  
14          certain circumstances; clarifying language;  
15          providing for construction not to preclude  
16          criminal prosecutions; amending s. 790.053,  
17          F.S., relating to open carrying of weapons;  
18          providing that self-defense chemical sprays and  
19          nonlethal stun guns and other nonlethal  
20          electric weapons or devices may be lawfully  
21          carried in an open manner in certain  
22          circumstances; clarifying language; creating s.  
23          790.054, F.S.; defining the offense of  
24          knowingly and willfully using self-defense  
25          chemical sprays and nonlethal stun guns and  
26          other nonlethal electric weapons or devices  
27          against a law enforcement officer engaged in  
28          official duties, and providing penalties  
29          therefor; providing effective dates.  
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31   Be It Enacted by the Legislature of the State of Florida:

1           Section 1. The introductory paragraph and paragraph  
2 (b) of subsection (3) of section 790.001, Florida Statutes,  
3 are amended, subsections (15) through (17) of said section are  
4 renumbered as subsections (16) through (18), respectively, and  
5 a new subsection (15) is added to said section, to read:

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

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

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

27           (15) "Remote stun gun" means any nonlethal device with  
28 a tethered range not to exceed 16 feet and which shall utilize  
29 an identification and tracking system which, upon use,  
30 disperses coded material traceable to the purchaser through  
31 records kept by the manufacturer on all remote stun guns and

1 all individual cartridges sold which information shall be made  
2 available to any law enforcement agency upon request.

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

5 790.01 Carrying concealed weapons.--

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

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

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

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

22 (a) A self-defense chemical spray.

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

26 (5) This section does not preclude any prosecution for  
27 the use of an electric weapon or device or remote stun gun or  
28 self-defense chemical spray during the commission of any  
29 criminal offense under s. 790.07, s. 790.10, s. 790.23, or s.  
30 790.235, or for any other criminal offense.

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1           Section 3. Section 790.053, Florida Statutes, is  
2 amended to read:

3           790.053 Open carrying of weapons.--

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

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

10           (a) A self-defense chemical spray.

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

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

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

24           790.054 Prohibited use of self-defense weapon or  
25 device against law enforcement officer; penalties.--A person  
26 who knowingly and willfully uses a self-defense chemical spray  
27 or a nonlethal stun gun or other nonlethal electric weapon or  
28 device or remote stun gun against a law enforcement officer  
29 engaged in the performance of his or her duties commits a  
30 felony of the third degree, punishable as provided in s.  
31 775.082, s. 775.083, or s. 775.084.

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

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