

By Representative L. Miller

1 A bill to be entitled
2 An act relating to possession of concealed
3 handcuff keys; providing definitions;
4 prohibiting possession of a concealed handcuff
5 key under certain circumstances; providing
6 defenses; providing a penalty; providing an
7 effective date.

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

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11 Section 1. (1) For purposes of this act:

12 (a) "Handcuff key" means any key, tool, implement, or
13 any other device used, designed, or intended to aid in
14 unlocking or removing handcuffs or flexcuffs.

15 (b) "Concealed handcuff key" means any handcuff key
16 carried on a person in any manner indicating an intent to
17 prevent discovery of the key by a law enforcement officer
18 including, but not limited to, a handcuff key:

19 1. Carried in a pocket and unconnected to any key
20 ring;

21 2. Carried on a necklace;

22 3. Secured by tape, glue, or line to any body part or
23 item of clothing;

24 4. Carried within any compartment, seam, fold, or
25 other encasement within any item of clothing, belt, shoe, or
26 jewelry;

27 5. Carried within any sock, hose, shoe, belt,
28 undergarment, glove, hat, or similar item;

29 6. Disguised as jewelry or other object on the person;
30 or

31 7. Carried in any body cavity.

1 (c) "Custody" means detention of a person by means of
2 handcuffs, flexcuffs, or any other movement restraining device
3 by a law enforcement official, regardless of whether the
4 person is under formal arrest.

5 (2) It is unlawful for any person in the custody of a
6 law enforcement officer to possess a concealed handcuff key.

7 (3) It is a defense to a charge under this section
8 that:

9 (a) The handcuff key possessed by a person in custody
10 was not secreted on the person but was one of several keys on
11 the person's sole keyring.

12 (b) Immediately upon being placed in custody, the
13 person disclosed to the law enforcement officer that the
14 person was in possession of a handcuff key.

15 (c) The person in possession of a concealed handcuff
16 key is a federal, state, or local law enforcement officer,
17 including a reserve or auxiliary officer, a licensed security
18 officer or private investigator as defined in s. 493.6101,
19 Florida Statutes, or a professional or temporary bail bond
20 agent or runner for such agent, as defined in s. 648.25,
21 Florida Statutes. However, the defense under this paragraph
22 shall not be available if such person fails to disclose his or
23 her possession of a concealed handcuff key upon being placed
24 in custody.

25 (4) Any person who violates any provision of this
26 section commits a misdemeanor of the first degree, punishable
27 as provided in s. 775.082 or s. 775.083, Florida Statutes.

28 Section 2. This act shall take effect October 1, 2000.

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HOUSE SUMMARY

Prohibits possession of a concealed handcuff key while in custody. Provides defenses. Provides a penalty.