

# SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

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Prepared By: Criminal Justice Committee

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BILL: CS/SB 2240

SPONSOR: Criminal Justice Committee and Senator Siplin

SUBJECT: Law Enforcement Training/Tasers

DATE: April 21, 2005

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Cellon	Cannon	CJ	Fav/CS
2.	_____	_____	JA	_____
3.	_____	_____	WM	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

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## I. Summary:

The Committee Substitute for Senate Bill 2240 requires the Criminal Justice Standards and Training Commission to establish, as part of its training curriculum for all correctional, correctional probation, and law enforcement officers, standards for instruction on the use of dart-firing stun guns in self defense and in the use of deadly force. The bill requires 4 hours of training for the officers. The training must include instruction on the potential effect of the device upon persons under the influence of alcohol or drugs.

Further, the bill requires law enforcement, correctional probation, and correctional officers to take certain conditions into consideration in making a decision whether to employ the devices.

This bill creates the following section of the Florida Statutes: 943.1717.

## II. Present Situation:

The Criminal Justice Standards and Training Commission within the Department of Law Enforcement is responsible for, among other things, the certification of law enforcement officers, establishing uniform minimum employment standards, establishing minimum training standards, and establishing minimum curricular requirements for criminal justice training schools.

s. 943.12, F.S.

The commission also currently requires 40 hours of continuing commission-approved training or education every 4 years, as a condition of continued employment. s. 943.135, F.S.

Currently, the training in “use of force,” or defensive training, consists of 80 to 100 hours within the curriculum of the Basic Training Course. The topic of “deadly force” is interwoven

throughout the curriculum in topic areas including high risk training, and the legal aspects of the job of law enforcement.

The basic premise utilized in use of force training is based on a continuum model, where the force level used by law enforcement correlates with the resistance level offered by the citizen. As the resistance offered escalates, the officer's response level increases. The levels are: Officer Presence, Communication, Physical Control, Intermediate Weapons, Incapacitating Control, and Deadly Force.

"Taser" is a brand name of a device that is utilized by law enforcement agencies as an addition to the weapon options available to officers that do not rise to the level of firearm use, and used by citizens for self-defense purposes. The generic name for the device is "dart-firing stun gun."

Taser International, based in Arizona, is the largest manufacturer of the devices which emit electrical charges to temporarily incapacitate a person. The company requires training of officers, for 4 to 8 hours, in the use of the device. That training is provided by Taser, and taught by instructors certified by Taser International.

The Florida Sheriff's Association and the Florida Police Chief's Association have commissioned comprehensive committees to study issues that have come to light with regard to the use of the devices. The review will include medical/physical effects resulting from being "tased." The organizations expect a report by August 2005.

### **III. Effect of Proposed Changes:**

The bill requires a minimum of 4 hours training be included in the basic skills training for law enforcement, correctional probation, and correctional officers in the use of tasers in self defense and in the use of deadly force. The training must include instruction on the potential effect of the device upon persons under the influence of alcohol or drugs.

The bill also requires officers' decisions to employ the dart-firing stun gun to involve an arrest or custodial situation wherein the subject is escalating resistance from passive physical resistance to active physical resistance. The subject must also have the apparent ability to physically challenge the officer or be fleeing, escaping, or preparing to do so.

### **IV. Constitutional Issues:**

#### **A. Municipality/County Mandates Restrictions:**

None.

#### **B. Public Records/Open Meetings Issues:**

None.

#### **C. Trust Funds Restrictions:**

None.

**V. Economic Impact and Fiscal Note:****A. Tax/Fee Issues:**

None.

**B. Private Sector Impact:**

None.

**C. Government Sector Impact:**

The Department of Corrections has pointed out to Appropriations staff that the bill would require training of its prospective officers in a method of defense that is not utilized by the department's correctional or correctional probation officers.

FDLE suggests that mandating training for officers who will not use the dart-firing stun gun device would create an economic impact, although it has not yet attached a dollar figure to the potential cost involved.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

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This Senate staff analysis does not reflect the intent or official position of the bill's sponsor or the Florida Senate.

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## **VIII. Summary of Amendments:**

None.

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