

HB 1291

2006  
CS

CHAMBER ACTION

1 The Criminal Justice Committee recommends the following:

2  
3 **Council/Committee Substitute**

4 Remove the entire bill and insert:

5  
6 A bill to be entitled  
7 An act relating to weapons; amending s. 790.001, F.S.;  
8 revising the definition of "weapon"; amending s. 790.115,  
9 F.S.; revising and clarifying provisions related to the  
10 prohibited exhibition and possession of specified weapons  
11 and firearms at a school-sponsored event or on school  
12 property; providing penalties; amending s. 810.095, F.S.;  
13 clarifying provisions with respect to prohibited trespass  
14 on school property with a firearm or other weapon;  
15 providing a penalty; providing an effective date.

16  
17 Be It Enacted by the Legislature of the State of Florida:

18  
19 Section 1. Subsection (13) of section 790.001, Florida  
20 Statutes, is amended to read:

21 790.001 Definitions.--As used in this chapter, except  
22 where the context otherwise requires:

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23           (13) "Weapon" means any dirk, knife, metallic knuckles,  
24 slungshot, billie, tear gas gun, chemical weapon or device, or  
25 other deadly weapon except a firearm or a common pocketknife,  
26 plastic knife, or blunt-bladed table knife.

27           Section 2. Subsection (1) and paragraphs (a) and (b) of  
28 subsection (2) of section 790.115, Florida Statutes, are amended  
29 to read:

30           790.115 Possessing or discharging weapons or firearms at a  
31 school-sponsored event or on school property prohibited;  
32 penalties; exceptions.--

33           (1) A person who exhibits any sword, sword cane, firearm,  
34 electric weapon or device, destructive device, or other weapon  
35 as defined in s. 790.001(13), including a razor blade, box  
36 cutter, or common pocketknife ~~knife~~, except as authorized in  
37 support of school-sanctioned activities, in the presence of one  
38 or more persons in a rude, careless, angry, or threatening  
39 manner and not in lawful self-defense, at a school-sponsored  
40 event or on the grounds or facilities of any school, school bus,  
41 or school bus stop, or within 1,000 feet of the real property  
42 that comprises a public or private elementary school, middle  
43 school, or secondary school, during school hours or during the  
44 time of a sanctioned school activity, commits a felony of the  
45 third degree, punishable as provided in s. 775.082, s. 775.083,  
46 or s. 775.084. This subsection does not apply to the exhibition  
47 of a firearm or weapon on private real property within 1,000  
48 feet of a school by the owner of such property or by a person  
49 whose presence on such property has been authorized, licensed,  
50 or invited by the owner.

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51 (2) (a) A person shall not possess any firearm, electric  
 52 weapon or device, destructive device, or other weapon as defined  
 53 in s. 790.001(13), including a razor blade or, box cutter, ~~or~~  
 54 ~~knife~~, except as authorized in support of school-sanctioned  
 55 activities, at a school-sponsored event or on the property of  
 56 any school, school bus, or school bus stop; however, a person  
 57 may carry a firearm:

58 1. In a case to a firearms program, class or function  
 59 which has been approved in advance by the principal or chief  
 60 administrative officer of the school as a program or class to  
 61 which firearms could be carried;

62 2. In a case to a career center having a firearms training  
 63 range; or

64 3. In a vehicle pursuant to s. 790.25(5); except that  
 65 school districts may adopt written and published policies that  
 66 waive the exception in this subparagraph for purposes of student  
 67 and campus parking privileges.

68  
 69 For the purposes of this section, "school" means any preschool,  
 70 elementary school, middle school, junior high school, secondary  
 71 school, career center, or postsecondary school, whether public  
 72 or nonpublic.

73 (b) A person who willfully and knowingly possesses any  
 74 electric weapon or device, destructive device, or other weapon  
 75 as defined in s. 790.001(13), including a razor blade or, box  
 76 cutter, ~~or knife~~, except as authorized in support of school-  
 77 sanctioned activities, in violation of this subsection commits a

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78 | felony of the third degree, punishable as provided in s.  
79 | 775.082, s. 775.083, or s. 775.084.

80 | Section 3. Subsection (1) of section 810.095, Florida  
81 | Statutes, is amended to read:

82 | 810.095 Trespass on school property with firearm or other  
83 | weapon prohibited.--

84 | (1) It is a felony of the third degree, punishable as  
85 | provided in s. 775.082, s. 775.083, or s. 775.084, for a person  
86 | who is trespassing upon school property to bring onto, or to  
87 | possess on, such school property, any weapon as defined in s.  
88 | 790.001(13) or any firearm.

89 | Section 4. This act shall take effect July 1, 2006.