

By the Committees on Justice Appropriations; Criminal Justice; and Senators Wise and King

604-2152-06

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| 1 | A bill to be entitled |
| 2 | An act relating to dart-firing stun guns; |
| 3 | amending s. 790.001, F.S.; defining the term |
| 4 | "dart-firing stun gun" for purposes of ch. 790, |
| 5 | F.S., relating to weapons and firearms; |
| 6 | deleting the definition of the term "remote |
| 7 | stun gun"; amending ss. 790.01 and 790.053, |
| 8 | F.S., relating to the carrying of concealed |
| 9 | weapons and the open carrying of weapons; |
| 10 | conforming provisions to the change in the |
| 11 | definition made by the act to authorize the |
| 12 | carrying of a dart-firing stun gun for purposes |
| 13 | of lawful self-defense; amending s. 790.054, |
| 14 | F.S.; providing that it is a third-degree |
| 15 | felony to use a dart-firing stun gun against an |
| 16 | on-duty law enforcement officer; creating s. |
| 17 | 943.1717, F.S.; providing circumstances during |
| 18 | which law enforcement, correctional, and |
| 19 | correctional probation officers may employ a |
| 20 | dart-firing stun gun; requiring the Criminal |
| 21 | Justice Standards and Training Commission to |
| 22 | establish standards for instruction in the use |
| 23 | of dart-firing stun guns; requiring that a |
| 24 | minimum number of hours in such training be |
| 25 | included in the basic-skills course required |
| 26 | for certain certifications; requiring certain |
| 27 | officers who have not received training in the |
| 28 | use of dart-firing stun guns and who are |
| 29 | authorized to carry dart-firing stun guns to |
| 30 | receive training; requiring annual training for |
| 31 | certain officers; providing an effective date. |

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

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3 Section 1. Subsection (15) of section 790.001, Florida
4 Statutes, is amended to read:

5 790.001 Definitions.--As used in this chapter, except
6 where the context otherwise requires:

7 (15) "Dart-firing Remote stun gun" means any ~~nonlethal~~
8 device having one or more darts that are capable of delivering
9 an electrical current with a tethered range not to exceed 16
10 feet and which shall utilize an identification and tracking
11 system which, upon use, disperses coded material traceable to
12 the purchaser through records kept by the manufacturer on all
13 remote stun guns and all individual cartridges sold which
14 information shall be made available to any law enforcement
15 agency upon request.

16 Section 2. Subsections (4) and (5) of section 790.01,
17 Florida Statutes, are amended to read:

18 790.01 Carrying concealed weapons.--

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 dart-firing ~~remote~~ stun
24 gun or other nonlethal electric weapon or device that ~~which~~
25 ~~does not fire a dart or projectile and~~ is designed solely for
26 defensive purposes.

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

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 unlawful for any person to openly carry
6 on or about his or her person any firearm or electric weapon
7 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 dart-firing ~~remote~~ stun
12 gun or other nonlethal electric weapon or device that ~~which~~
13 ~~does not fire a dart or projectile and~~ is designed solely for
14 defensive purposes.

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

18 Section 4. Section 790.054, Florida Statutes, is
19 amended to read:

20 790.054 Prohibited use of self-defense weapon or
21 device against law enforcement officer; penalties.--A person
22 who knowingly and willfully uses a self-defense chemical
23 spray, ~~or~~ a nonlethal stun gun or other nonlethal electric
24 weapon or device, or a dart-firing ~~remote~~ stun gun against a
25 law enforcement officer engaged in the performance of his or
26 her duties commits a felony of the third degree, punishable as
27 provided in s. 775.082, s. 775.083, or s. 775.084.

28 Section 5. Section 943.1717, Florida Statutes, is
29 created to read:

30 943.1717 Use of dart-firing stun guns.--
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1 (1) A decision by a law enforcement officer,
2 correctional officer, or correctional probation officer to use
3 a dart-firing stun gun must involve an arrest or a custodial
4 situation during which the person who is the subject of the
5 arrest or custody escalates resistance to the officer from
6 passive physical resistance to active physical resistance and
7 the person:

8 (a) Has the apparent ability to physically threaten
9 the officer or others; or

10 (b) Is preparing or attempting to flee or escape.

11 (2) The Criminal Justice Standards and Training
12 Commission shall establish standards for instructing law
13 enforcement, correctional, and correctional probation officers
14 in the use of dart-firing stun guns. The instructional
15 standards must include the effect that a dart-firing stun gun
16 may have on a person.

17 (3) The basic-skills course required for certification
18 as a law enforcement officer must include instruction on the
19 use of dart-firing stun guns. The portion of the basic-skills
20 course on the use of dart-firing stun guns must be a minimum
21 of 4 hours' duration.

22 (4) A law enforcement officer, correctional officer,
23 or correctional probation officer who has not received the
24 dart-firing stun gun training described in subsection (3) and
25 who is authorized by his or her employing or appointing agency
26 to carry a dart-firing stun gun after the effective date of
27 this act must complete, before issuance and use of a
28 dart-firing stun gun, the 4-hour dart-firing stun gun training
29 described in subsection (3) or an equivalent training course
30 provided by the officer's employing or appointing agency in
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1 accordance with the Criminal Justice Standards and Training
2 Commission standards outlined in subsection (2).

3 (5) After completing the basic-skills course, each law
4 enforcement, correctional, and correctional probation officer
5 who is authorized by his or her agency to use a dart-firing
6 stun gun must complete an annual training course on the use of
7 dart-firing stun guns. The annual training course on the use
8 of dart-firing stun guns must be a minimum of 1 hour duration.

9 Section 6. This act shall take effect upon becoming a
10 law.

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12 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
13 COMMITTEE SUBSTITUTE FOR
14 CS for Senate Bill 214

15 The word "tethered" is removed from the definition of remote
16 stun gun.

17 The requirement for basic skills training on the use of
18 dart-firing stun guns for correctional and correctional
19 probation officers is removed. However, correctional,
20 correctional probation officers and any law enforcement
21 officer who has not received the dart-firing stun gun training
22 as part of a basic-skills course required for certification,
23 must complete, before issuance and use of a dart-firing stun
24 gun either the four-hour dart-firing stun gun training or an
25 equivalent training course provided by the officer's employing
26 or appointing agency in the use of the device in accordance
27 with the Criminal Justice Standards and Training Commission
28 standards.
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