

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; requiring a school resource

1 officer or law enforcement officer to make  
2 certain reports concerning the use of a  
3 dart-firing stun gun; requiring the Department  
4 of Law Enforcement to maintain the reports and  
5 provide them to the Department of Health upon  
6 request; requiring the Department of Health to  
7 conduct an ongoing study of the medical effects  
8 concerning certain uses of dart-firing stun  
9 guns; requiring a report to the Legislature;  
10 providing an effective date.

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

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

16 790.001 Definitions.--As used in this chapter, except  
17 where the context otherwise requires:

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

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

29 790.01 Carrying concealed weapons.--  
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1           (4) It is not a violation of this section for a person  
2 to carry for purposes of lawful self-defense, in a concealed  
3 manner:

4           (a) A self-defense chemical spray.

5           (b) A nonlethal stun gun or dart-firing ~~remote~~ stun  
6 gun or other nonlethal electric weapon or device that ~~which~~  
7 ~~does not fire a dart or projectile and~~ is designed solely for  
8 defensive purposes.

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

14           Section 3. Section 790.053, Florida Statutes, is  
15 amended to read:

16           790.053 Open carrying of weapons.--

17           (1) Except as otherwise provided by law and in  
18 subsection (2), it is unlawful for any person to openly carry  
19 on or about his or her person any firearm or electric weapon  
20 or device.

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

23           (a) A self-defense chemical spray.

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

28           (3) Any person violating this section commits a  
29 misdemeanor of the second degree, punishable as provided in s.  
30 775.082 or s. 775.083.

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1           Section 4. Section 790.054, Florida Statutes, is  
2 amended to read:

3           790.054 Prohibited use of self-defense weapon or  
4 device against law enforcement officer; penalties.--A person  
5 who knowingly and willfully uses a self-defense chemical  
6 spray, ~~or~~ a nonlethal stun gun or other nonlethal electric  
7 weapon or device, or a dart-firing ~~remote~~ stun gun against a  
8 law enforcement officer engaged in the performance of his or  
9 her duties commits a felony of the third degree, punishable as  
10 provided in s. 775.082, s. 775.083, or s. 775.084.

11           Section 5. Section 943.1717, Florida Statutes, is  
12 created to read:

13           943.1717 Use of dart-firing stun guns.--

14           (1) A decision by a law enforcement officer,  
15 correctional officer, or correctional probation officer to use  
16 a dart-firing stun gun must involve an arrest or a custodial  
17 situation during which the person who is the subject of the  
18 arrest or custody escalates resistance to the officer from  
19 passive physical resistance to active physical resistance and  
20 the person:

21           (a) Has the apparent ability to physically threaten  
22 the officer or others; or

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

24           (2) The Criminal Justice Standards and Training  
25 Commission shall establish standards for instructing law  
26 enforcement, correctional, and correctional probation officers  
27 in the use of dart-firing stun guns. The instructional  
28 standards must include the effect that a dart-firing stun gun  
29 may have on a person.

30           (3) The basic-skills course required for certification  
31 as a law enforcement officer must include instruction on the

1 use of dart-firing stun guns. The portion of the basic-skills  
2 course on the use of dart-firing stun guns must be a minimum  
3 of 4 hours' duration.

4 (4) A law enforcement officer, correctional officer,  
5 or correctional probation officer who has not received the  
6 dart-firing stun gun training described in subsection (3) and  
7 who is authorized by his or her employing or appointing agency  
8 to carry a dart-firing stun gun after the effective date of  
9 this act must complete, before issuance and use of a  
10 dart-firing stun gun, the 4-hour dart-firing stun gun training  
11 described in subsection (3) or an equivalent training course  
12 provided by the officer's employing or appointing agency in  
13 accordance with the Criminal Justice Standards and Training  
14 Commission standards outlined in subsection (2).

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

21 Section 6. (1) When a school resource officer or law  
22 enforcement officer uses a dart-firing stun gun on the grounds  
23 of an elementary school to subdue a public school student,  
24 such officer shall provide the Department of Law Enforcement  
25 with a written report of:

26 (a) The circumstances leading to the use of the  
27 dart-firing stun gun;

28 (b) The age, gender, and race of the student; and

29 (c) The apparent effects of the use of the dart-firing  
30 stun gun on the student.

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1           (2) The Department of Law Enforcement shall maintain  
2 the reports submitted pursuant to subsection (1) and make such  
3 records available to the Department of Health upon request.

4           (3) Using the records submitted pursuant to subsection  
5 (1) and other available information, the Department of Health  
6 shall undertake an ongoing study of the medical effects on the  
7 students upon whom a dart-firing stun gun has been used. On  
8 December 1, 2006, the department shall provide the Legislature  
9 with a written report concerning the medical effects on  
10 students upon whom a dart-firing stun gun was used between  
11 January 1, 2001, and August 1, 2006.

12           Section 7. This act shall take effect upon becoming a  
13 law.

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