

## CHAMBER ACTION

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1 The Criminal Justice Committee recommends the following:

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3 **Council/Committee Substitute**

4 Remove the entire bill and insert:

5 A bill to be entitled

6 An act relating to dart-firing stun guns; amending s.  
7 790.001, F.S.; defining "dart-firing stun gun" for the  
8 purposes of ch. 790, F.S.; deleting the definition of  
9 "remote stun gun"; amending ss. 790.01 and 790.053, F.S.,  
10 relating to the carrying of concealed weapons and the open  
11 carrying of weapons, to conform; authorizing the carrying  
12 of a dart-firing stun gun, both openly and in a concealed  
13 manner, for purposes of lawful self-defense; amending s.  
14 790.054, F.S.; prohibiting the use of a dart-firing stun  
15 gun against a law enforcement officer who is on duty;  
16 providing a penalty; creating s. 943.1717, F.S.; providing  
17 circumstances during which law enforcement, correctional,  
18 and correctional probation officers may use a dart-firing  
19 stun gun; requiring the Criminal Justice Standards and  
20 Training Commission to establish standards for instruction  
21 in the use of dart-firing stun guns; requiring that a  
22 minimum number of hours in such training be included in  
23 the basic skills course required for certification;

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24 requiring annual training for certain officers; providing  
25 an effective date.

26  
27 Be It Enacted by the Legislature of the State of Florida:

28  
29 Section 1. Subsection (15) of section 790.001, Florida  
30 Statutes, is amended to read:

31 790.001 Definitions.--As used in this chapter, except  
32 where the context otherwise requires:

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

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

44 790.01 Carrying concealed weapons.--

45 (4) It is not a violation of this section for a person to  
46 carry for purposes of lawful self-defense, in a concealed  
47 manner:

48 (a) A self-defense chemical spray.

49 (b) A nonlethal stun gun or dart-firing remote ~~stun gun~~ or  
50 other nonlethal electric weapon or device that ~~which does not~~

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51 ~~fire a dart or projectile and~~ is designed solely for defensive  
52 purposes.

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

58 Section 3. Section 790.053, Florida Statutes, is amended  
59 to read:

60 790.053 Open carrying of weapons.--

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

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

66 (a) A self-defense chemical spray.

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

71 (3) Any person violating this section commits a  
72 misdemeanor of the second degree, punishable as provided in s.  
73 775.082 or s. 775.083.

74 Section 4. Section 790.054, Florida Statutes, is amended  
75 to read:

76 790.054 Prohibited use of self-defense weapon or device  
77 against law enforcement officer; penalties.--A person who  
78 knowingly and willfully uses a self-defense chemical spray, ~~or~~ a

79 nonlethal stun gun or other nonlethal electric weapon or device,  
 80 or a dart-firing ~~remote~~ stun gun against a law enforcement  
 81 officer engaged in the performance of his or her duties commits  
 82 a felony of the third degree, punishable as provided in s.  
 83 775.082, s. 775.083, or s. 775.084.

84 Section 5. Section 943.1717, Florida Statutes, is created  
 85 to read:

86 943.1717 Use of dart-firing stun guns.--

87 (1) A decision by a law enforcement officer, correctional  
 88 officer, or correctional probation officer to use a dart-firing  
 89 stun gun must involve an arrest or a custodial situation during  
 90 which the person who is the subject of the arrest or custody  
 91 escalates resistance to the officer from passive physical  
 92 resistance to active physical resistance and the person:

93 (a) Has the apparent ability to physically threaten the  
 94 officer or others; or

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

96 (2) The Criminal Justice Standards and Training Commission  
 97 shall establish standards for instructing law enforcement,  
 98 correctional, and correctional probation officers in the use of  
 99 dart-firing stun guns. The instructional standards must include  
 100 the effect that a dart-firing stun gun may have on a person.

101 (3) Each basic skills course required for certification as  
 102 a law enforcement, correctional, or correctional probation  
 103 officer must include instruction on the use of dart-firing stun  
 104 guns. The portion of the basic skills course on the use of stun  
 105 guns must be a minimum of 4 hours' duration.

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106        (4) After completing the basic skills course, each law  
107 enforcement, correctional, and correctional probation officer  
108 who is authorized by his or her agency to use a dart-firing stun  
109 gun must complete an annual training course on the use of dart-  
110 firing stun guns. The annual training course on the use of dart-  
111 firing stun guns must be a minimum of 1 hour's duration.

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