

CHAMBER ACTION

1 The Justice Council recommends the following:

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3 **Council/Committee Substitute**

4 Remove the entire bill and insert:

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6 A bill to be entitled

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

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24 | the basic skills course required for certification;
 25 | requiring training of specified officers who are
 26 | authorized to carry dart-firing stun guns and who have not
 27 | received dart-firing stun gun training; requiring annual
 28 | training for certain officers; providing an effective
 29 | date.

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31 | Be It Enacted by the Legislature of the State of Florida:

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

35 | 790.001 Definitions.--As used in this chapter, except
 36 | where the context otherwise requires:

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

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

48 | 790.01 Carrying concealed weapons.--

49 | (4) It is not a violation of this section for a person to
 50 | carry for purposes of lawful self-defense, in a concealed
 51 | manner:

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52 (a) A self-defense chemical spray.

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

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

62 Section 3. Section 790.053, Florida Statutes, is amended
63 to read:

64 790.053 Open carrying of weapons.--

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

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

70 (a) A self-defense chemical spray.

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

75 (3) Any person violating this section commits a
76 misdemeanor of the second degree, punishable as provided in s.
77 775.082 or s. 775.083.

78 Section 4. Section 790.054, Florida Statutes, is amended
79 to read:

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80 790.054 Prohibited use of self-defense weapon or device
81 against law enforcement officer; penalties.--A person who
82 knowingly and willfully uses a self-defense chemical spray, ~~or~~ a
83 nonlethal stun gun or other nonlethal electric weapon or device,
84 or a dart-firing ~~remote~~ stun gun against a law enforcement
85 officer engaged in the performance of his or her duties commits
86 a felony of the third degree, punishable as provided in s.
87 775.082, s. 775.083, or s. 775.084.

88 Section 5. Section 943.1717, Florida Statutes, is created
89 to read:

90 943.1717 Use of dart-firing stun guns.--

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

97 (a) Has the apparent ability to physically threaten the
98 officer or others; or

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

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

105 (3) The basic skills course required for certification as
106 a law enforcement officer must include instruction on the use of
107 dart-firing stun guns. The portion of the basic skills course on

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108 | the use of dart-firing stun guns must be a minimum of 4 hours'
109 | duration.

110 | (4) A law enforcement, correctional, or correctional
111 | probation officer who is authorized by his or her employing or
112 | appointing agency, subsequent to the effective date of this act,
113 | to carry a dart-firing stun gun and who has not received the
114 | dart-firing stun gun training described in subsection (3) shall
115 | complete, prior to the issuance and use of a dart-firing stun
116 | gun, either the 4-hour dart-firing stun gun training described
117 | in subsection (3) or an equivalent training course provided by
118 | the officer's employing or appointing agency in accordance with
119 | the standards established by the Criminal Justice Standards and
120 | Training Commission under subsection (2).

121 | (5) After completing the basic skills course, each law
122 | enforcement, correctional, and correctional probation officer
123 | who is authorized by his or her agency to use a dart-firing stun
124 | gun must complete an annual training course on the use of dart-
125 | firing stun guns. The annual training course on the use of dart-
126 | firing stun guns must be a minimum of 1 hour's duration.

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