

By Senator Baker

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1                   A bill to be entitled  
2       An act relating to stun guns; amending s. 776.06,  
3       F.S.; redefining the term "deadly force" to exclude  
4       the discharge of a dart-firing stun gun by a law  
5       enforcement officer or correctional officer;  
6       redefining the term "less-lethal munition" to include  
7       projectiles that penetrate the body; amending s.  
8       790.01, F.S.; prohibiting a local government from  
9       regulating nonlethal weapons or other electric  
10      devices; providing an effective date.

11  
12 Be It Enacted by the Legislature of the State of Florida:

13  
14       Section 1. Section 776.06, Florida Statutes, is amended to  
15      read:

16       776.06 Deadly force.—

17       (1) The term "deadly force" means force that is likely to  
18      cause death or great bodily harm and includes, but is not  
19      limited to:

20       (a) The firing of a firearm in the direction of the person  
21      to be arrested, even though no intent exists to kill or inflict  
22      great bodily harm; and

23       (b) The firing of a firearm at a vehicle in which the  
24      person to be arrested is riding.

25       (2) (a) The term "deadly force" does not include the  
26      discharge of a firearm or a dart-firing stun gun by a law  
27      enforcement officer or correctional officer during and within  
28      the scope of his or her official duties which is loaded with a  
29      less-lethal munition. As used in this subsection, the term

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30 "less-lethal munition" means a projectile that is designed to  
31 stun, temporarily incapacitate, or cause temporary discomfort to  
32 a person ~~without penetrating the person's body.~~

33 (b) A law enforcement officer or a correctional officer is  
34 not liable in any civil or criminal action arising out of the  
35 use of any less-lethal munition in good faith during and within  
36 the scope of his or her official duties.

37 Section 2. Section 790.01, Florida Statutes, is amended to  
38 read:

39 790.01 Carrying concealed weapons.—

40 (1) Except as provided in subsection (4), a person who  
41 carries a concealed weapon or electric weapon or device on or  
42 about his or her person commits a misdemeanor of the first  
43 degree, punishable as provided in s. 775.082 or s. 775.083.

44 (2) A person who carries a concealed firearm on or about  
45 his or her person commits a felony of the third degree,  
46 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

47 (3) This section does not apply to a person licensed to  
48 carry a concealed weapon or a concealed firearm pursuant to the  
49 provisions of s. 790.06.

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

53 (a) A self-defense chemical spray.

54 (b) A nonlethal stun gun or dart-firing stun gun or other  
55 nonlethal electric weapon or device that is designed solely for  
56 defensive purposes. A local government may not require a  
57 separate license or background check or impose any restrictions  
58 on the purchase, possession, or use of such electric weapons or

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59 devices.

60 (5) This section does not preclude any prosecution for the  
61 use of an electric weapon or device, a dart-firing stun gun, or  
62 a self-defense chemical spray during the commission of any  
63 criminal offense under s. 790.07, s. 790.10, s. 790.23, or s.  
64 790.235, or for any other criminal offense.

65 Section 3. This act shall take effect July 1, 2009.