

By Senator Sobel

33-01169A-16

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1                   A bill to be entitled  
 2           An act relating to firearm violence; amending s.  
 3           790.233, F.S.; increasing criminal penalties for  
 4           violations involving possession of a firearm or  
 5           ammunition when a person is subject to a specified  
 6           injunction; creating s. 790.234, F.S.; providing for  
 7           temporary custody of firearms by a law enforcement  
 8           officer at the scene of a domestic violence incident;  
 9           providing for return of firearms after a specified  
 10          period; providing an effective date.

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

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 14           Section 1. Section 790.233, Florida Statutes, is amended to  
 15          read:

16           790.233 Possession of firearm or ammunition prohibited when  
 17          person is subject to an injunction against committing acts of  
 18          domestic violence, stalking, or cyberstalking; penalties.—

19           (1) A person may not have in his or her care, custody,  
 20          possession, or control any firearm or ammunition if the person  
 21          has been issued a final injunction that is currently in force  
 22          and effect, ~~restraining~~ restraining that person from committing acts of  
 23          domestic violence, as issued under s. 741.30, or from committing  
 24          acts of stalking or cyberstalking, as issued under s. 784.0485.

25           (2) A person who violates subsection (1) commits a felony  
 26          ~~misdemeanor~~ of the first degree, punishable as provided in s.  
 27          775.082, ~~or~~ s. 775.083, or s. 775.084.

28           (3) It is the intent of the Legislature that the  
 29          disabilities regarding possession of firearms and ammunition are  
 30          consistent with federal law. Accordingly, this section does not  
 31          apply to a state or local officer as defined in s. 943.10(14),  
 32          holding an active certification, who receives or possesses a

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33 firearm or ammunition for use in performing official duties on  
34 behalf of the officer's employing agency, unless otherwise  
35 prohibited by the employing agency.

36 Section 2. Section 790.234, Florida Statutes, is created to  
37 read:

38 790.234 Domestic violence; temporary custody of firearms.-

39 (1) When at the scene of an alleged act of domestic  
40 violence as defined in s. 741.28, a law enforcement officer may  
41 remove a firearm from the scene if:

42 (a) The law enforcement officer has probable cause to  
43 believe that an act of domestic violence has occurred.

44 (b) The firearm is in plain view or is discovered during a  
45 consensual or other lawful search.

46 (2) If a firearm is removed from the scene under subsection  
47 (1), the law enforcement officer shall:

48 (a) Provide to the owner of the firearm information on the  
49 process for retaking possession of the firearm.

50 (b) Provide for the safe storage of the firearm during the  
51 pendency of any proceeding related to the alleged act of  
52 domestic violence.

53 (3) Within 14 days after the conclusion of a proceeding on  
54 the alleged act of domestic violence, the owner of the firearm  
55 may retake possession of the firearm unless ordered to surrender  
56 the firearm pursuant to s. 790.233.

57 Section 3. This act shall take effect July 1, 2016.