

By Senator Berman

31-01071B-19

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1                   A bill to be entitled  
2           An act relating to discharging firearms in public or  
3           on residential property; providing a short title;  
4           amending s. 790.15, F.S.; revising provisions  
5           prohibiting the recreational discharge of a firearm  
6           outdoors; providing criminal penalties; providing an  
7           exception; amending s. 810.09, F.S.; prohibiting the  
8           propelling of any potentially lethal projectile over  
9           or across private land while target shooting;  
10          providing criminal penalties; providing an effective  
11          date.

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

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15           Section 1. This act may be cited as the "Mary Chadwick  
16 Act."

17           Section 2. Subsection (4) of section 790.15, Florida  
18 Statutes, is amended to read:

19           790.15 Discharging firearm in public or on residential  
20 property.—

21           (4) Any person who recreationally discharges a firearm  
22 outdoors, including target shooting, in an area that the person  
23 knows or reasonably should know is primarily residential in  
24 nature ~~and that has a residential density of one or more~~  
25 ~~dwelling units per acre,~~ commits a misdemeanor of the first  
26 degree, punishable as provided in s. 775.082 or s. 775.083. This  
27 subsection does not apply:

28           (a) To a person lawfully defending life or property or  
29 performing official duties requiring the discharge of a firearm;

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30 (b) If, under the circumstances, the discharge does not  
31 pose a reasonably foreseeable risk to life, safety, or property;  
32 ~~or~~

33 (c) To a person who accidentally discharges a firearm; or  
34 (d) To a person engaging in recreational shooting in an  
35 area that the person knows or reasonably should know is  
36 primarily residential in nature on a lot that is 5 acres or  
37 larger. A person engaging in target shooting on such a lot may  
38 only do so if the targets are in front of a dirt berm and  
39 backstop sufficient to stop projectiles from crossing into a  
40 neighboring property.

41 Section 3. Paragraph (h) of subsection (2) of section  
42 810.09, Florida Statutes, is amended to read:

43 810.09 Trespass on property other than structure or  
44 conveyance.—

45 (2)

46 (h) Any person who in taking or attempting to take any  
47 animal described in s. 379.101(19) or (20); ~~; or~~ in killing,  
48 attempting to kill, or endangering any animal described in s.  
49 585.01(13); or in target shooting knowingly propels or causes to  
50 be propelled any potentially lethal projectile over or across  
51 private land without authorization commits trespass, a felony of  
52 the third degree, punishable as provided in s. 775.082, s.  
53 775.083, or s. 775.084. For purposes of this paragraph, the term  
54 "potentially lethal projectile" includes any projectile launched  
55 from any firearm, bow, crossbow, or similar tensile device. This  
56 section does not apply to any governmental agent or employee  
57 acting within the scope of his or her official duties.

58 Section 4. This act shall take effect October 1, 2019.