

Committee Substitute for  
Committee Substitute for Senate Bill No. 214

An act relating to dart-firing stun guns; amending s. 790.001, F.S.; defining the term “dart-firing stun gun” for purposes of ch. 790, F.S., relating to weapons and firearms; deleting the definition of the term “remote stun gun”; amending ss. 790.01 and 790.053, F.S., relating to the carrying of concealed weapons and the open carrying of weapons; conforming provisions to the change in the definition made by the act to authorize the carrying of a dart-firing stun gun for purposes of lawful self-defense; amending s. 790.054, F.S.; providing that it is a third-degree felony to use a dart-firing stun gun against an on-duty law enforcement officer; creating s. 943.1717, F.S.; providing circumstances during which law enforcement, correctional, and correctional probation officers may employ a dart-firing stun gun; requiring the Criminal Justice Standards and Training Commission to establish standards for instruction in the use of dart-firing stun guns; requiring that a minimum number of hours in such training be included in the basic-skills course required for certain certifications; requiring certain officers who have not received training in the use of dart-firing stun guns and who are authorized to carry dart-firing stun guns to receive training; requiring annual training for certain officers; providing an effective date.

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

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

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

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

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

790.01 Carrying concealed weapons.—

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

(a) A self-defense chemical spray.

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

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

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

790.053 Open carrying of weapons.—

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

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

(a) A self-defense chemical spray.

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

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

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

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

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

943.1717 Use of dart-firing stun guns.—

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

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

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

(2) The Criminal Justice Standards and Training Commission shall establish standards for instructing law enforcement, correctional, and correc-

tional probation officers in the use of dart-firing stun guns. The instructional standards must include the effect that a dart-firing stun gun may have on a person.

(3) The basic-skills course required for certification as a law enforcement officer must include instruction on the use of dart-firing stun guns. The portion of the basic-skills course on the use of dart-firing stun guns must be a minimum of 4 hours' duration.

(4) A law enforcement officer, correctional officer, or correctional probation officer who has not received the dart-firing stun gun training described in subsection (3) and who is authorized by his or her employing or appointing agency to carry a dart-firing stun gun after the effective date of this act must complete, before issuance and use of a dart-firing stun gun, the 4-hour dart-firing stun gun training described in subsection (3) or an equivalent training course provided by the officer's employing or appointing agency in accordance with the Criminal Justice Standards and Training Commission standards outlined in subsection (2).

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

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

Approved by the Governor June 26, 2006.

Filed in Office Secretary of State June 26, 2006.