HB 493 2015

1 A bill to be entitled

An act relating to carrying a concealed weapon or a concealed firearm; amending s. 790.01, F.S.; providing an exemption from criminal penalties for carrying a concealed weapon or a concealed firearm when evacuating pursuant to a mandatory evacuation order during a declared state of emergency; providing an effective date.

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

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Section 1. Section 790.01, Florida Statutes, is amended to read:

790.01 <u>Unlicensed</u> carrying <u>of</u> concealed weapons <u>or</u> concealed firearms.—

- (1) Except as provided in subsection (3) (4), a person who is not licensed under s. 790.06 and who carries a concealed weapon or electric weapon or device on or about his or her person commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.
- (2) Except as provided in subsection (3), a person who is not licensed under s. 790.06 and who carries a concealed firearm on or about his or her person commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.
  - (3) This section does not apply to  $\underline{:}$  a person licensed to

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CODING: Words stricken are deletions; words underlined are additions.

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carry a concealed weapon or a concealed firearm pursuant to the provisions of s. 790.06.

- (a) A person who carries a concealed weapon, or a person who may lawfully possess a firearm and who carries a concealed firearm, on or about his or her person while in the act of evacuating during a mandatory evacuation order issued during a state of emergency declared by the Governor pursuant to chapter 252 or declared by a local authority pursuant to chapter 870.
- (b) (4) It is not a violation of this section for A person who carries to carry for purposes of lawful self-defense, in a concealed manner:
  - 1.(a) A self-defense chemical spray.

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- $\frac{2.(b)}{(b)}$  A nonlethal stun gun or dart-firing stun gun or other nonlethal electric weapon or device that is designed solely for defensive purposes.
- (4)(5) This section does not preclude any prosecution for the use of an electric weapon or device, a dart-firing 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 2. This act shall take effect July 1, 2015.