

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 4009 Slungshot

SPONSOR(S): Combee and others

TIED BILLS: None **IDEN./SIM. BILLS:** SB 612

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Criminal Justice Subcommittee	12 Y, 0 N	White	White
2) Judiciary Committee	16 Y, 0 N	White	Havlicak

SUMMARY ANALYSIS

Florida law defines a “slungshot” as a small mass of metal, stone, sand, or similar material fixed on a flexible handle, strap, or the like, used as a weapon. The term is currently included in the definition of “concealed weapon.” As such, a person who is licensed to carry a concealed weapon may carry a slungshot in a concealed manner. A person may also openly carry a slungshot, even without a concealed carry license.

Two provisions in ch. 790, F.S., currently criminalize certain acts with respect to a slungshot:

- Section 790.09, F.S., makes it a second degree misdemeanor for a person to manufacture, cause to be manufactured, sell, or expose for sale a slungshot or metallic knuckles.
- Section 790.18, F.S., makes it a second degree felony for a dealer in arms to sell or transfer a slungshot to a minor.

The bill amends s. 790.001, F.S., to remove “slungshot” from the definition of “concealed weapon.” As a result, a person will be able to carry a slungshot concealed without a permit. The bill also amends ss. 790.09 and 790.18, F.S., to remove references to “slungshot.” This will make it lawful for:

- A person to manufacture, cause to be manufactured, sell, or expose for sale a slungshot; and
- A dealer in arms to sell or transfer a slungshot to a minor.

On October 28, 2015, the Criminal Justice Impact Conference considered this bill and determined that it would have a negative, insignificant prison bed impact, i.e., a decrease of 10 prison beds or fewer, on the Department of Corrections because it limits the application of a second degree felony offense. The bill may also have a negative jail bed impact on local governments because it limits the application of two misdemeanor offenses.

The bill is effective upon becoming a law.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Current Situation

Florida law defines a “slungshot,” shown below, as a small mass of metal, stone, sand, or similar material fixed on a flexible handle, strap, or the like, used as a weapon.¹ The term is currently included in the definition of “concealed weapon.”² As such, a person who is licensed to carry a concealed weapon may carry a slungshot in a concealed manner.³ A person may also openly carry a slungshot without a concealed carry license.⁴



Two provisions in ch. 790, F.S., currently criminalize certain acts with respect to a slungshot:

- Section 790.09, F.S., makes it a second degree misdemeanor⁵ for a person to manufacture, cause to be manufactured, sell, or expose for sale a slungshot or metallic knuckles.
- Section 790.18, F.S., makes it a second degree felony⁶ for a dealer in arms to sell or transfer a slungshot to a minor.⁷

Effect of the Bill

The bill amends s. 790.001, F.S., to remove “slungshot” from the definition of “concealed weapon.” As a result, a person will be able to carry a slungshot concealed without a permit. The bill also amends ss. 790.09 and 790.18, F.S., to remove references to “slungshot.” This will make it lawful for:

- A person to manufacture, cause to be manufactured, sell, or expose for sale a slungshot; and
- A dealer in arms to sell or transfer a slungshot to a minor.⁸

B. SECTION DIRECTORY:

Section 1. Amends s. 790.09, F.S., relating to manufacturing or selling slungshot.

Section 2. Amends s. 790.001, F.S., relating to definitions.

Section 3. Amends s. 790.18, F.S., relating to sale or transfer of arms to minors by dealers.

¹ s. 790.001(12), F.S. Slungshots were originally used as a maritime tool on sailing ships to cast line from one location to another. <http://www.wordplays.com/definition/slungshot> (last visited on September 30, 2015).

² Section 790.001(3)(a), F.S., defines the term “concealed weapon” as “any dirk, metallic knuckles, slungshot, billie, tear gas gun, chemical weapon or device, or other deadly weapon carried on or about a person in such a manner as to conceal the weapon from the ordinary sight of another person.”

³ Section 790.01, F.S., makes it a first degree misdemeanor for a person to carry a concealed weapon (e.g., a slungshot) on or about his or her person. However, the penalty does not apply to a person licensed to carry a concealed weapon pursuant to s. 790.06, F.S.

⁴ Section 790.053, F.S., prohibits a person from openly carrying a firearm or an electric weapon or device – not a slungshot or metallic knuckles.

⁵ A second degree misdemeanor is punishable by up to 60 days in county jail and a \$500 fine. ss. 775.082 and 775.083, F.S.

⁶ A second degree felony is punishable by up to 15 years imprisonment and a \$10,000 fine. ss. 775.082 and 775.083, F.S.

⁷ The statute also includes the sale or transfer of a firearm, pistol, Springfield rifle or other repeating rifle, bowie knife or dirk knife, brass knuckles, or electric weapon or device. s. 790.18, F.S.

⁸ The statute also includes the sale or transfer of a firearm, pistol, Springfield rifle or other repeating rifle, bowie knife or dirk knife, brass knuckles, or electric weapon or device. s. 790.18, F.S.

Section 4. Provides the bill is effective upon becoming a law.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

The bill does not appear to have any impact on state revenues.

2. Expenditures:

On October 28, 2015, the Criminal Justice Impact Conference considered this bill and determined that it would have a negative, insignificant prison bed impact, i.e., a decrease of 10 prison beds or fewer, on the Department of Corrections because it limits the application of a second degree felony offense.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

The bill does not appear to have any impact on local government revenues.

2. Expenditures:

Section 790.09, F.S., makes it a second degree misdemeanor for a person to manufacture, sell, etc., a slungshot or metallic knuckles. Additionally, s. 790.01, F.S., makes it a first degree misdemeanor for a person to carry a concealed weapon (e.g., a slungshot) on or about his or her person. The bill makes it lawful for a person to manufacture, sell, etc., a slungshot, and allows a person to carry a slungshot concealed. These changes may have a negative jail bed impact.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

This bill appears to be exempt from the requirements of Article VII, Section 18 of the Florida Constitution because it is a criminal law.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

The bill does not appear to create a need for rulemaking or rulemaking authority.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

None.