

**HOUSE OF REPRESENTATIVES
FINAL BILL ANALYSIS**

BILL #: HB 4009

FINAL HOUSE FLOOR ACTION:

SPONSOR(S): Combee and others

117 Y's

0 N's

**COMPANION
BILLS:** SB 612

GOVERNOR'S ACTION: Approved

SUMMARY ANALYSIS

HB 4009 passed the House on February 24, 2016, and subsequently passed the Senate on March 4, 2016.

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 a "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 permit.

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

- Section 790.01(1), F.S., makes it a first degree misdemeanor to carry a "concealed weapon," which includes a slungshot, in a concealed manner without a concealed weapon permit.
- 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.
- 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 in a concealed manner without a permit. The bill also amends ss. 790.09 and 790.18, F.S., to remove references to "slungshot," and, thus, makes it lawful for:

- a person to manufacture, cause to be manufactured, sell, or expose for sale a slungshot; or
- 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 was approved by the Governor on March 24, 2016, ch. 2016-106, L.O.F., and became effective on that date.

I. SUBSTANTIVE INFORMATION

A. EFFECT OF 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 a “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



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

- Section 790.01(1), F.S., makes it a first degree misdemeanor to carry a “concealed weapon,” which includes a slungshot, in a concealed manner without a concealed weapon permit.
- 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.
- 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 a “concealed weapon.” As a result, a person will be able to carry a slungshot in a concealed manner without a permit. The bill also amends ss. 790.09 and 790.18, F.S., to remove references to “slungshot,” and, thus, makes it lawful for:

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

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 March 3, 2016).

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 prohibits 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.

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 790.01(1), F.S., makes it a first degree misdemeanor for a person to carry a concealed weapon, e.g., a slungshot, in a concealed manner without a concealed weapon permit. Additionally, s. 790.09, F.S., makes it a second degree misdemeanor for a person to manufacture, sell, or expose a slungshot. The bill's changes eliminate these misdemeanor offenses and, as such, may result in a negative jail bed impact.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.