

10.19 USE OF A SELF-DEFENSE WEAPON

§ 790.054, Fla. Stat.

To prove the crime of Using a Self-Defense Weapon against a law enforcement officer, the State must prove the following four elements beyond a reasonable doubt:

1. (Defendant) **intentionally used a [self-defense chemical spray] [nonlethal stun gun] [nonlethal electric weapon] [dart firing stun gun] against (victim).**
2. (Victim) **was at the time a law enforcement officer.**
3. (Defendant) **knew (victim) was a law enforcement officer.**
4. **At the time of the incident, (victim) was engaged in the lawful performance of [his] [her] duties.**

The court now instructs you that (name of official position of victim designated in charge) **is a law enforcement officer.** *Do not read the name of the victim in this part of the instruction.*

Lesser Included Offenses

USE OF A SELF-DEFENSE WEAPON — § 790.054

CATEGORY ONE	CATEGORY TWO	FLA. STAT.	INS. NO.
None			
	Battery	784.03(1)(a)	8.3

Comment

This instruction is based on section 790.054, Florida Statutes (1997). In giving this instruction, do not refer to the victim by name in the last sentence of the instruction. That sentence must state the class of officers to which the victim belongs, e.g., probation officer, correctional officer. *See Wright v. State*, 586 So. 2d 1025 (Fla. 1991).

This instruction was adopted in 2000 [765 So. 2d 692] and amended in 2008.