

29.26 UNLAWFUL USE OF A TWO-WAY COMMUNICATIONS DEVICE

§ 934.215, Fla. Stat.

To prove the crime of Unlawful Use of a Two-Way Communications Device, the State must prove the following two elements beyond a reasonable doubt:

1. (Defendant) used a two-way communications device.
2. [He] [She] did so for the purpose of facilitating or furthering the commission of a felony.

Give if applicable.

The Court instructs you that (name of felony) is a felony.

Give if requested.

The term “two-way communications device” includes, but is not limited to a portable two-way wireless device.

Lesser Included Offenses

UNLAWFUL USE OF A TWO-WAY COMMUNICATION DEVICE — 934.215

CATEGORY ONE	CATEGORY TWO	FLA. STAT.	INS. NO.
None			
	Attempt	777.04(1)	5.1

Comments

As of November 2016, there was no definition in the statutes or case law for “two-way communications device.”

If there is a dispute about whether the defendant was facilitating or furthering the commission of a felony as opposed to a misdemeanor, the court might consider instructing jurors on the elements of the felony.

This instruction was adopted in 2017.