

# FINAL BILL REPORT

## SHB 2086

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C 180 L 99

Synopsis as Enacted

**Brief Description:** Creating crimes of unlawful discharge of a laser.

**Sponsors:** By House Committee on Criminal Justice & Corrections (Originally sponsored by Representatives Esser, Carrell, O'Brien, Constantine, Lovick, Schindler and Anderson).

**House Committee on Criminal Justice & Corrections**  
**Senate Committee on Judiciary**

**Background:**

The state does not have a criminal statute specifically relating to the unlawful discharge of a laser at a person.

Generally, the definition of an offender includes the level of mental culpability the defendant must have had when committing the offense in order to be found criminally liable.

A person acts with "knowledge" when the person knows or acts knowingly or with knowledge when he or she is aware of a fact, facts, or circumstances or results described by a statute defining an offense; or he or she has information which would lead a reasonable person in the same situation to believe facts exist which facts are described by the statute defining an offense.

To act "maliciously" requires an evil intent, wish, or design to vex, annoy, or injure another person. Malice may be inferred from an act done in wilful disregard of the rights of another, or an act wrongfully done without just cause or excuse, or an act or omission of duty betraying a wilful disregard of social duty. A person commits malicious mischief in the first, second, or third degree if he or she knowingly and maliciously causes physical damage to the property of another.

Under the Sentencing Reform Act, felonies are usually "ranked" on the sentencing grid as a means of assigning a specific standard range sentence to that particular felony.

Unranked felonies carry a sentence of up to one year in jail.

A gross misdemeanor carries a sentence of up to one year in jail or a fine up to \$5,000 or both.

**Summary:**

The crime of "unlawful discharge of a laser" is created.

Unlawful discharge of a laser in the first degree. A person commits unlawful discharge of a laser in the first degree if he or she knowingly and maliciously discharges a laser:

- At a law enforcement officer or other employee of a law enforcement agency who is performing his official duties in uniform or exhibiting evidence of his or her authority, and in a manner that would support that officer's or employee's reasonable belief that he or she is targeted with a laser sighting device or system; or
- At a pilot, causing an impairment of the safety or operation of an aircraft, or causing an interruption or impairment of service by negatively affecting the pilot; or
- At a law enforcement officer or other employee of a law enforcement agency, a fire fighter or other employee of a fire department, county fire marshal's office, county fire prevention bureau, or fire protection district, a transit operator or driver of a public or private transit company, or a bus driver employed by a school district or private company, any of whom are performing their official duties, causing an impairment of the safety or operation of a vehicle, or causing an interruption or impairment of service by negatively affecting one of the persons just identified.

Unlawful discharge of a laser in the first degree is a class C felony and is not ranked on the Sentencing Reform Act sentencing grid.

It is a civil infraction if a juvenile commits unlawful discharge of a laser in the first or second degree and the juvenile has not committed either offense before. The juvenile is subject to a monetary penalty not to exceed \$100.

Unlawful discharge of a laser in the second degree. A person commits unlawful discharge of a laser in the second degree if he or she knowingly or maliciously discharges a laser:

- At a person not described under unlawful discharge of a laser in the first degree, who is operating a motor vehicle at the time, causing an impairment of the safety or operation of the motor vehicle by negatively affecting the driver; or

- At a law enforcement officer, pilot, fire fighter, transit operator, or school bus driver and causes substantial risk of an impairment or interruption of services; or
- At a person in order to intimidate or threaten that person.

Unlawful discharge of a laser in the second degree is a gross misdemeanor.

The crimes of unlawful discharge of a laser in the first and second are added to the list of crimes included in harassment.

**Votes on Final Passage:**

House 96 0  
Senate 35 12

**Effective:** July 25, 1999