

# SENATE BILL REPORT

## SHB 2086

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As Reported By Senate Committee On:  
Judiciary, April 2, 1999

**Title:** An act relating to the unlawful discharge of lasers.

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

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

**Brief History:** Passed House 3/11/99, 96-0.

**Committee Activity:** Judiciary: 4/2/99 [DP].

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### SENATE COMMITTEE ON JUDICIARY

**Majority Report:** Do pass.

Signed by Senators Heavey, Chair; Kline, Vice Chair; Costa, Goings, Hargrove, Haugen, Long and McCaslin.

**Staff:** Harry Steinmetz (786-7421)

**Background:** The state does not have a statute specifically relating to the discharge of a laser at a person.

There has been a proliferation of small laser devices in the marketplace. These lasers are used for pointing devices during presentations, aiming devices on firearms, or in the construction trades to measure the size of a room or to determine if a structure is level or square. Law enforcement officers have expressed concerns that these devices are being used to harass others. Additionally, when a law enforcement officer sees a laser pointed at his or her person, he or she does not know if they are in someone's gun site or the victim of a prank with a pointing device. This situation may potentially result in deaths.

**Summary of Bill:** A new section is added to the criminal code creating the crime of unlawful discharge of a laser in the first and second degree.

The crime of unlawful discharge of a laser in the first degree is defined as knowingly and maliciously discharging a laser under circumstances not amounting to malicious mischief in the first degree:

- at a law enforcement officer or other employee in a manner that would reasonably make them believe they were targeted by a laser sighting device;
- at a law enforcement officer or other employee causing impairment of the safety or operation of a law enforcement vehicle or service rendered to the public;
- at a pilot causing impairment of the safety or operation of an aircraft or service rendered to the public;

- at a fire fighter or other employee causing impairment of the safety or operation of an emergency vehicle or service rendered to the public;
- at a public or private transit driver or other employee causing impairment of the safety or operation of a transit vehicle or service rendered to the public; or
- at a public or private school bus driver causing impairment of the safety or operation of a school bus or service rendered to the public.

Unlawful discharge of a laser in the first degree is an unranked class C felony, with a standard range of 0-12 months in county jail.

The crime of unlawful discharge of a laser in the second degree is defined as knowingly and maliciously discharging a laser under circumstances not amounting to unlawful discharge of a laser in the first degree or malicious mischief in the first or second degree:

- at a person, other than those described in unlawful discharge of a laser in the first degree, who is operating a motor vehicle causing impairment of the safety or operation of a motor vehicle;
- at a person described in unlawful discharge of a laser in the first degree causing a substantial risk of impairment as described in unlawful discharge of a laser in the first degree; or
- at a person in order to intimidate or threaten.

Unlawful discharge of a laser in the second degree is a gross misdemeanor, punishable by up to a year in county jail.

Unlawful discharge of a laser in the first or second degree is included in crimes that constitute "harassment" as used in the harassment statute.

Unlawful discharge of a laser in the first or second degree by a juvenile who has not before committed either act is a civil infraction with a fine of not more than \$100.

**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Testimony For:** This bill is not intended to ban the use of laser pointers, rather is needed to address a serious problem. A problem serious enough to warrant criminalizing the behavior and needing new crime to adequately address the problem. A laser bounced off a bus driver's rear view mirror can leave that driver sight impaired for a few minutes. During that time, no one on the bus is safe. This is not the same as a flashlight, it is an amplified beam of light that several national studies have shown to be a significant safety risk. You cannot tell the difference between a beam from a pointer or a laser site on a gun. Law enforcement officers are put at risk and may mistakenly use their guns in self defense when faced with a laser on their body. In a recent basketball game, the game had to be stopped when a member of the audience shined a laser pointer into a player's eyes and temporarily blinded the player.

**Testimony Against:** None.

**Testified:** PRO: Jim Jackson, ATU 587; Fred Ropes, ATU 1384; Mike Patrick, WACOPS; Laura Farris, WACOPS.