

**STORAGE NAME:** h1461.lec

**DATE:** March 14, 2000

**HOUSE OF REPRESENTATIVES  
COMMITTEE ON  
LAW ENFORCEMENT AND CRIME PREVENTION  
ANALYSIS**

**BILL #:** HB 1461 (PCB LECP 00-03)

**RELATING TO:** Misuse of Hand-Held Laser Lighting Devices

**SPONSOR(S):** Committee on Law Enforcement and Crime Prevention and Representative Futch

**TIED BILL(S):** SB 278(i)

**ORIGINATING COMMITTEE(S)/COMMITTEE(S) OF REFERENCE:**

- (1) LAW ENFORCEMENT AND CRIME PREVENTION YEAS 10 NAYS 0
  - (2)
  - (3)
  - (4)
  - (5)
- 

**I. SUMMARY:**

HB 1461 will prohibit an individual from willfully pointing a hand-held laser device at a law enforcement officer in a manner which the officer could reasonably believe that a firearm may be pointed at them. The bill provides that a person commits a second degree misdemeanor if they violate the provisions of the bill. The bill provides an effective date of October 1, 2000.

II. SUBSTANTIVE ANALYSIS:

A. DOES THE BILL SUPPORT THE FOLLOWING PRINCIPLES:

- |                                   |                              |                             |   |
|-----------------------------------|------------------------------|-----------------------------|---|
| 1. <u>Less Government</u>         | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 2. <u>Lower Taxes</u>             | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 3. <u>Individual Freedom</u>      | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 4. <u>Personal Responsibility</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 5. <u>Family Empowerment</u>      | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |

For any principle that received a "no" above, please explain:

B. PRESENT SITUATION:

Currently, there is no statutory law in Florida that prohibits any particular use of laser lighting devices. Many of these devices are produced and manufactured as toys or tools for individuals who engage in public speaking, or for making presentations. However, similar laser devices are used as sighting mechanisms on some advanced weapons and firearms. Laser devices that are produced as toys can be easily mistaken for similar devices that are used on firearms. When the laser is pointed at someone, it could be mistaken for an act of aggression by an individual with a firearm. This interpretation of a threat could provoke an armed response from a law enforcement officer who believes that his or her life is being threatened.

Newly developed laser light devices can effectively shine a beam up to 1500-6000 feet from it's origin. Originally, laser pointing devices were produced as a tool for public speaking and were priced at about \$300 each. Technology has since increased the ability of these laser devices to shine a beam over longer distances and at the same time they can now be mass-produced at a cost of about \$8. This has made these devices a toy of choice for pre-teen children.

Eye safety is also a concern with regard to laser light devices. The beam of a laser device can be very harmful to the retina of the eye. A direct hit in the eye with a laser device can cause a variety of problems for the victim, ranging from temporary blindness to permanent retina damage, depending on the amount of time that the laser is pointed into the eye, and the strength of the laser. The Food and Drug Administration issued a warning in late December 1997 advising that, "the laser-light devices could cause permanent eye damage if the beam is directed into someone's eye for more than a few seconds."

There have been a number of schools as well as municipalities around the country that have passed restrictions on the use of laser devices. Westchester County, N.Y., Ocean City, Md., Chicago Ridge, Ill., and the State of New York and New Jersey have all either passed laws or regulations pertaining to laser devices and regulating possession of them by minors under the age of 18.

**STORAGE NAME:** h1461.lec

**DATE:** March 14, 2000

**PAGE 3**

C. EFFECT OF PROPOSED CHANGES:

HB 1461 will afford law enforcement officers a means by which they may arrest an individual who willfully points a laser device at them in such a manner as to make a reasonable person believe a firearm may be pointed at them.

The bill provides that a person commits a second degree misdemeanor if they do willfully and knowingly point a laser device at a law enforcement officer, who is engaged in the performance of his or her official duty.

The bill provides an effective date of October 1, 2000.

D. SECTION-BY-SECTION ANALYSIS:

This section need be completed only in the discretion of the Committee.

III. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

N/A

2. Expenditures:

N/A

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

N/A

2. Expenditures:

N/A

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

N/A

D. FISCAL COMMENTS:

N/A

**STORAGE NAME:** h1461.lec

**DATE:** March 14, 2000

**PAGE 4**

IV. CONSEQUENCES OF ARTICLE VII, SECTION 18 OF THE FLORIDA CONSTITUTION:

A. APPLICABILITY OF THE MANDATES PROVISION:

N/A

B. REDUCTION OF REVENUE RAISING AUTHORITY:

N/A

C. REDUCTION OF STATE TAX SHARED WITH COUNTIES AND MUNICIPALITIES:

N/A

V. COMMENTS:

A. CONSTITUTIONAL ISSUES:

N/A

B. RULE-MAKING AUTHORITY:

N/A

C. OTHER COMMENTS:

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

N/A

VII. SIGNATURES:

COMMITTEE ON LAW ENFORCEMENT AND CRIME PREVENTION:

Prepared by:

Staff Director:

---

Allen Mortham Jr.

---

Kurt E. Ahrendt