

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based only on the provisions contained in the legislation as of the latest date listed below.)

BILL: CS/SB 278

SPONSOR: Criminal Justice Committee and Senator Saunders

SUBJECT: Misuse of Laser Pointers

DATE: April 4, 2000 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Cellon</u>	<u>Cannon</u>	<u>CJ</u>	<u>Favorable/CS</u>
2.	_____	_____	_____	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____

I. Summary:

This bill creates a section of the Florida Statutes to address the misuse of laser lighting devices. Under the provisions of the bill knowingly and willfully shining a laser pointer at a law enforcement officer while he or she is engaged in the performance of his or her duties, in such a manner that would cause a reasonable person to believe that a firearm is being pointed at them would constitute a second degree misdemeanor.

This bill creates a new section of the Florida Statutes: 784.062.

II. Present Situation:

There is no current law in Florida regulating the use or misuse of hand-held laser pointers. There have been a number of school districts and municipalities throughout the country, however, that have passed restrictions on the sale of laser pointers to children, possession by them on school campuses and misuse of the devices.

Hand-held laser (Light Amplification by Stimulated Emission of Radiation) pointers project an intense beam of concentrated light. They are shaped like pens or key chains and were originally made and marketed, at a price of around \$300, for use in lectures or demonstrations as a pointing device. They are available at a greatly reduced price (\$8-\$10) now and are popular among young people.

According to a 1994 report from the Department of Energy, staring into a laser pointer's beam can damage the retina. The Food and Drug Administration has issued a warning on the misuse of laser pointers indicating that even the flash-blindness that can be caused by the momentary sweep of the light across someone's eye can be dangerous, especially if the person is engaged in an activity like operating a motor vehicle. In Washington, bus drivers in one county lodged 30 complaints in a six month time period about lasers being pointed into their eyes, and even some passengers bouncing the light off the rearview mirror into their eyes.

Aside from the annoyance or even potential harm the misuse of the device can result in, there is a very real potential danger involved in shining the device on someone under circumstances where the person is aware of the use of laser beams as aiming devices on firearms. Law enforcement officers are trained to respond to such a threat. In Meriden, Connecticut, officers report being frightened when the beam from a laser pointer has been trained on them and, in response, a ban was proposed on selling laser pointers to anyone under 18 years of age.

III. Effect of Proposed Changes:

The bill defines the term “laser lighting device” as a hand-held device designed to be used as a pointer to mark or identify a specific position, place, item, or object. This definition does not include laser aiming aids on firearms.

The bill creates a second degree misdemeanor, which is punishable by up to 60 days in jail and a \$500 fine. Knowingly and willfully shining, pointing, or focusing the beam of a laser pointer at a law enforcement officer, engaged in the performance of his or her official duties, in such a manner that would cause a reasonable person to believe that a firearm is pointed at them could result in a second degree misdemeanor conviction.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Economic Impact and Fiscal Note:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The Criminal Justice Estimating Conference has not considered the impact of this bill.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Amendments:

None.

This Senate staff analysis does not reflect the intent or official position of the bill's sponsor or the Florida Senate.
