

# SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

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

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Prepared By: Justice Appropriations Committee

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BILL: CS/SB 830

SPONSOR: Justice Appropriations Committee and Senator Sebesta

SUBJECT: Misuse of Laser Lighting Devices

DATE: April 21, 2005

REVISED: \_\_\_\_\_

|    | ANALYST       | STAFF DIRECTOR  | REFERENCE | ACTION           |
|----|---------------|-----------------|-----------|------------------|
| 1. | <u>Davis</u>  | <u>Meyer</u>    | <u>TR</u> | <b>Favorable</b> |
| 2. | <u>Cellon</u> | <u>Cannon</u>   | <u>CJ</u> | <b>Favorable</b> |
| 3. | <u>Butler</u> | <u>Sadberry</u> | <u>JA</u> | <b>Fav/CS</b>    |
| 4. | _____         | _____           | _____     | _____            |
| 5. | _____         | _____           | _____     | _____            |
| 6. | _____         | _____           | _____     | _____            |

## I. Summary:

The committee substitute addresses the misuse of laser lighting devices emitting beams on individuals operating motor vehicles, vessels, or aircrafts. Specifically, under the provisions of the bill, knowingly and willfully shining a laser beam from a laser lighting device at an individual operating a motor vehicle, vessel, or aircraft would constitute a third degree felony. In addition, the bill provides knowingly and willfully shining a laser beam from a laser lighting device at an individual operating a motor vehicle, vessel, or aircraft when that act results in bodily injury would constitute a second degree felony.

The committee substitute redefines the term “laser lighting device”, relative to its use on persons operating a motor vehicle, vessel, or aircraft, to include all lasers and not merely the kind designed to be used as a pointing device.

The committee substitute substantially amends section 784.062, Florida Statutes.

## II. Present Situation:

Hand-held laser 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 They are shaped like pens or key chains and were originally made and marketed, at a price of around \$300 or more, for use in lectures or demonstrations as a pointing device. Technology has since increased the ability of these laser devices to shine a beam over longer distances and at the same time such devices can now be mass-produced at a much cheaper cost. The laser lighting devices are now commonplace and easily accessible.

When used in a responsible manner, laser pointers are not considered hazardous. According to a 2001 report from the United States Department of Transportation, momentary ocular exposure to

the light emitted by these devices can be startling to the observer and may result in temporary visual impairment; however, such exposures are too brief to cause any permanent ocular injury.<sup>1</sup>

When used irresponsibly, laser pointers can be very hazardous. Case studies have reported staring into a laser pointer's beam can damage the retina. According to the above mentioned report, "misuse of these devices can and has resulted in ocular injury" and "such injuries from laser pointers are usually the result of prolonged self-exposure or malicious illumination by another individual."<sup>2</sup> The Food and Drug Administration has issued a warning on the misuse of laser pointers indicating 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 such as operating a motor vehicle.<sup>3</sup>

Section 784.062, F.S., defines the term "laser lighting device" as a hand-held device, which emits a laser beam used as a pointer or highlighter to mark or identify a specific position, place, item, or object. This definition does not include laser aiming aids on firearms. Also under the provisions of s. 784.062, F.S., knowingly and willfully shining, pointing, or focusing a laser pointer device 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 a firearm is pointed at them commits a noncriminal violation, punishable by a fine of up to \$500.

### **III. Effect of Proposed Changes:**

The committee substitute redefines the term "laser lighting device" for s. 284.062(3), F.S. to mean any device designated or used to amplify electromagnetic radiation by stimulated emission related to use on persons operating a motor vehicle, vessel, or aircraft. This makes the new crime inclusive of any laser, not merely those typically used as a pointing device.

The committee substitute provides any person who knowingly and willfully shines, points, or focuses the beam of a laser lighting device on an individual operating a motor vehicle, vessel, or aircraft commits a felony of the third degree, which is punishable by imprisonment up to 5 years and a \$5,000 fine.

The committee substitute also provides any person who knowingly and willfully shines, points, or focuses the beam of a laser lighting device on an individual operating a motor vehicle, vessel, or aircraft and such act results in bodily injury commits a felony of the second degree, which is punishable by imprisonment up to 15 years and a \$10,000 fine.

### **IV. Constitutional Issues:**

#### **A. Municipality/County Mandates Restrictions:**

None.

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<sup>1</sup> U.S. Department of Transportation, Federal Aviation Administration, *Laser Pointers: Their Potential Affects on Vision and Aviation Safety*, April 2001.

<sup>2</sup> *Id.*

<sup>3</sup> *Id.*

**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:**

The committee substitute provides imprisonment up to 5 years and a \$5,000 fine for persons convicted of a third degree felony when the person knowingly and willfully shines, points, or focuses the beam of a laser lighting device on an individual operating a motor vehicle, vessel, or aircraft.

Also, the committee substitute provides imprisonment up to 15 years and a \$10,000 fine for persons convicted of a second degree felony when the person knowingly and willfully shines, points, or focuses the beam of a laser lighting device on an individual operating a motor vehicle, vessel, or aircraft when that act results in bodily injury.

**C. Government Sector Impact:**

The Criminal Justice Estimating Conference met on April 15, 2005 and determined that the SB830 has an indeterminate, but minimal impact on prison beds.

The changes reflected in this committee substitute create no additional fiscal impact on prison beds.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.



## **VIII. Summary of Amendments:**

None.

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

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