

AMENDED IN ASSEMBLY APRIL 14, 1999
AMENDED IN ASSEMBLY APRIL 5, 1999
AMENDED IN ASSEMBLY MARCH 11, 1999

CALIFORNIA LEGISLATURE—1999–2000 REGULAR SESSION

ASSEMBLY BILL

No. 221

Introduced by Assembly Member Wildman
(Coauthors: Assembly Members Florez, Havice, and
Pescetti)
(Coauthor: Senator O'Connell)

January 26, 1999

An act to amend Section 417.25 of, and to add Section 417.26 to, the Penal Code, relating to lasers.

LEGISLATIVE COUNSEL'S DIGEST

AB 221, as amended, Wildman. Lasers: obstructing a peace officer.

Existing law provides that every person who, except in self-defense, knowingly draws or exhibits a laser scope, as defined, that projects a colored target on a person in a threatening manner against that person with specific intent to cause a reasonable person apprehension or fear of bodily harm is guilty of a misdemeanor, punishable by imprisonment in a county jail for up to 30 days.

This bill would include a laser pointer in this provision and further provide that any person who aims or points a laser scope or laser pointer at a peace officer for the purpose of intimidating, harrassing, or distracting the officer is guilty of

a misdemeanor ~~and shall serve a mandatory in-custody~~
~~punishable by imprisonment in a county jail for a term not~~
 exceeding 6 months. The bill additionally would provide that
 any person who commits a 2nd or subsequent violation of
 either offense is guilty of a misdemeanor ~~or a felony~~
~~punishable by imprisonment in a county jail for a term not to~~
~~exceed one year.~~ By creating a new crime, this bill would
 impose a state-mandated local program.

The California Constitution requires the state to reimburse
 local agencies and school districts for certain costs mandated
 by the state. Statutory provisions establish procedures for
 making that reimbursement.

This bill would provide that no reimbursement is required
 by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
 State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 417.25 of the Penal Code is
 2 amended to read:

3 417.25. (a) Every person who, except in self-defense,
 4 knowingly draws or exhibits a laser scope, as defined in
 5 subdivision (b), or a laser pointer, as defined in
 6 subdivision (c) that projects a colored target on a person
 7 in a threatening manner against that person with the
 8 specific intent to cause a reasonable person apprehension
 9 or fear of bodily harm is guilty of a misdemeanor,
 10 punishable by imprisonment in a county jail for up to 30
 11 days. For purposes of this section, the laser scope need not
 12 be attached to a firearm.

13 (b) As used in this section, “laser scope” means a
 14 portable battery-powered device capable of being
 15 attached to a firearm and capable of projecting a laser
 16 light on objects at a distance.

17 (c) As used in this section, “laser pointer” means any
 18 hand held laser beam device or demonstration laser
 19 product that emits a single point of light amplified by the
 20 stimulated emission of radiation that is visible to the
 21 human eye.



1 SEC. 2. Section 417.26 is added to the Penal Code, to
2 read:

3 417.26. (a) Any person who aims or points a laser
4 scope as defined in subdivision (b) of Section 417.25, or a
5 laser pointer, as defined in subdivision (c) of that section,
6 at a peace officer for the purpose of intimidating,
7 harrassing, or distracting the officer is guilty of a
8 ~~misdemeanor and shall serve a mandatory in-custody~~
9 *misdemeanor punishable by imprisonment in a county*
10 *jail for a term not exceeding six months.*

11 (b) Any person who commits a second or subsequent
12 violation of subdivision (a) shall be punished by
13 imprisonment in a county jail for not more than one year
14 ~~or by imprisonment in the state prison for 16 months or~~
15 ~~two or three years.~~

16 SEC. 3. No reimbursement is required by this act
17 pursuant to Section 6 of Article XIII B of the California
18 Constitution because the only costs that may be incurred
19 by a local agency or school district will be incurred
20 because this act creates a new crime or infraction,
21 eliminates a crime or infraction, or changes the penalty
22 for a crime or infraction, within the meaning of Section
23 17556 of the Government Code, or changes the definition
24 of a crime within the meaning of Section 6 of Article
25 XIII B of the California Constitution.

