

AMENDED IN SENATE AUGUST 17, 1999
AMENDED IN ASSEMBLY APRIL 15, 1999
AMENDED IN ASSEMBLY APRIL 5, 1999
AMENDED IN ASSEMBLY MARCH 16, 1999

CALIFORNIA LEGISLATURE—1999–2000 REGULAR SESSION

ASSEMBLY BILL

No. 293

Introduced by Assembly Member Wesson
(Principal coauthor: Assembly Member Washington)
(Coauthor: Assembly Member Havice)
(Coauthors: Senators Baca, O’Connell, and Solis)

February 8, 1999

An act to ~~add Section 417.26 to~~ *amend Section 417.25 of, and to add Section 417.27 to*, the Penal Code, relating to lasers.

LEGISLATIVE COUNSEL’S DIGEST

AB 293, as amended, Wesson. Laser pointers: prohibitions on sale, possession, and use.

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 ~~make it a misdemeanor for any person to do either of the following:~~

~~(1) Aim or direct a laser pointer at specified uniformed peace officers or other uniformed persons acting in the scope of their duties or other official capacity, or the marked vehicle of those individuals, for the purpose of intimidating, harassing, or distracting these individuals.~~

~~(2) Direct the beam from a laser pointer directly or indirectly into the eye or eyes of another person or animal or into a moving vehicle with the intent to harass or annoy the other person or animal or the occupants of the moving vehicle~~
include a laser pointer in this provision.

The bill *also* would provide that any person who *directs the beam from a laser pointer directly or indirectly into the eye or eyes of another person or specified service dogs or into a moving vehicle with the intent to harass or annoy the other person or service dog or the occupants of the moving vehicle, or who knowingly sells a laser pointer to a person 17 years of age or younger, who possesses a laser pointer, or any person who possesses a laser pointer on any elementary or secondary school premises unless possession of a laser pointer on elementary or secondary school premises is for a valid instructional or other school-related purpose, including employment, unless he or she is accompanied and supervised by a parent, legal guardian, or any other adult 18 years of age or older,* shall be guilty of an infraction and shall be punished by either a fine of \$50 or 4 hours of community service. A 2nd or subsequent violation of any of these offenses would be an infraction for which the person shall be punished by either a fine of \$100 or 8 hours of community service.

By creating new crimes, the 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 417.26 is added to the Penal~~
2 ~~Code, to read:~~

3 ~~417.26.~~

4 *SECTION 1. Section 417.25 of the Penal Code is*
5 *amended to read:*

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

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

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

25 *SEC. 2. Section 417.27 is added to the Penal Code, to*
26 *read:*

27 417.27. (a) No person, corporation, firm, or business
28 entity of any kind shall knowingly sell a laser pointer to
29 a person 17 years of age or younger:

30 ~~(b) No person 17 years of age or younger shall possess~~
31 ~~a laser pointer, except as provided in subdivision (c).~~

32 ~~(c) No student shall possess a laser pointer on any~~
33 ~~elementary or secondary school premises unless~~
34 ~~possession of a laser pointer on the elementary or~~
35 ~~secondary school premises is for a valid instructional or~~
36 ~~other school-related purpose, including employment.~~

37 ~~(d) No person shall aim or direct a laser pointer at a~~
38 ~~uniformed police officer, uniformed security guard,~~



1 ~~uniformed school safety officer, uniformed traffic~~
2 ~~enforcement officer, uniformed member of a paid or~~
3 ~~volunteer fire department, uniformed emergency~~
4 ~~medical technician, uniformed mobile intensive care~~
5 ~~paramedic, or other uniformed city, state, or federal~~
6 ~~peace officer, investigator or emergency service worker,~~
7 ~~or the marked service vehicle used by any of these~~
8 ~~individuals, for the purpose of intimidating, harassing, or~~
9 ~~distracting these individuals.~~

10 ~~(e), unless he or she is accompanied and supervised by~~
11 ~~a parent, legal guardian, or any other adult 18 years of age~~
12 ~~or older.~~

13 ~~(b) No person shall direct the beam from a laser~~
14 ~~pointer directly or indirectly into the eye or eyes of~~
15 ~~another person or animal or into a moving vehicle with~~
16 ~~the intent to harass or annoy the other person or animal~~
17 ~~or the occupants of the moving vehicle.~~

18 ~~(f) Subdivisions (a) and (b) do not apply to any person~~
19 ~~17 years of age or younger, if he or she is accompanied by~~
20 ~~a parent, legal guardian, or any other adult 18 years of age~~
21 ~~or older.~~

22 ~~(g) (1)~~

23 ~~(c) No person shall direct the beam from a laser~~
24 ~~pointer directly or indirectly into the eye or eyes of a~~
25 ~~guide dog, signal dog, service dog, or dog being used by~~
26 ~~a peace officer with the intent to harass or annoy the~~
27 ~~animal.~~

28 ~~(d) A violation of subdivision (a), (b), or (c) shall be~~
29 ~~an infraction that is punished by either a fine of fifty~~
30 ~~dollars (\$50) or four hours of community service, and a~~
31 ~~second or subsequent violation of any of these~~
32 ~~subdivisions shall be an infraction that is punished by~~
33 ~~either a fine of one hundred dollars (\$100) or eight hours~~
34 ~~of community service.~~

35 ~~(2) A violation of subdivision (d) or (e) is a~~
36 ~~misdemeanor.~~

37 ~~(h) As used in this section, "laser pointer" means any~~
38 ~~hand held laser beam device or demonstration product~~
39 ~~that emits a single point of light amplified by the~~



1 ~~stimulated emission of radiation that is visible to the~~
2 ~~human eye.~~

3 ~~SEC. 2.~~

4 *(e) As used in this section, "laser pointer" has the same*
5 *meaning as set forth in subdivision (c) of Section 417.25.*

6 *(f) As used in this section, "guide dog," "signal dog,"*
7 *and "service dog," respectively, have the same meaning*
8 *as set forth in subdivisions (d), (e), and (f) of Section*
9 *365.5.*

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

