

**HB**

**154**

4/30/99  
HB 154

Change Section 3 to Section 4

Add new Section 3:

Section 3. AS 11.61.110 is amended by adding a new subsection to read:

(d) The provisions of (a)(8) of this section do not apply to a peace officer acting within the scope and authority of the officer's employment.

Modify Section 4 to reflect correct subsection:

Section 4. AS 11.61.110 is amended by adding a new subsection to read:

(e) In the section, "laser..."

4/30/99

ALASKA STATE LEGISLATURE



REPRESENTATIVE ALLEN KEMPLER

MEMORANDUM

TO: Representative Pete Kott, Chair  
House Judiciary Committee

FROM: Representative Allen Kempler *AK*

DATE: April 25, 1999

RE: HB 154 --"An act relating to laser sighting devices."

Attached you will find a sponsor statement and a sectional analysis for HB 154. At your earliest convenience could you please schedule HB 154 for a committee hearing. If you are in need of additional information, my staff assistant Chris Knight will be happy to assist you. In advance, I thank you for reviewing this request and HB 154 material.

SESSION  
STATE CAPITOL  
JUNEAU, ALASKA 99801-1182  
(907) 465-2435  
(907) 465-0615 FAX  
1-800-550-2435

INTERIM  
710 W. 4TH AVENUE  
ANCHORAGE, ALASKA 99501  
(907) 258-8100

# ALASKA STATE LEGISLATURE



REPRESENTATIVE ALLEN KEMPLER

## Sectional Analysis

HB 154

*"An act relating to the use of laser sighting devices."*

**Section 1.** Amends Alaska Statute 11.61.110(a) of disorderly conduct by adding a new number (8) after the number (7) and creating a new definition for the act of disorderly conduct under number (8).

**Section 2.** Restates the maximum penalty under AS 12.55 for disorderly conduct that if a sentence of imprisonment is imposed for offenses (1-7) of disorderly conduct then the penalty will not be for more than 10 days. If offence number (8) for disorderly conduct is purposely directed at a uniformed or a clearly identified peace officer then the limitation of sentencing for offenses 1-7 will not be imposed. Penalties for violation of number (8) with regards to uniformed officers are at a court's discretion as to the limitations of class B misdemeanors. Class B misdemeanors carry a maximum sentence of imprisonment of not more than 90 days unless otherwise specified by law.

**Section 3.** Defines a "laser sighting device."

**SESSION**  
STATE CAPITOL  
JUNEAU, ALASKA 00801-1182  
(907) 465-2435  
(907) 465-6615 FAX  
1-800-550-2435

**INTERIM**  
716 W. 4TH AVENUE  
ANCHORAGE, ALASKA 00501  
(907) 258-8100

# ALASKA STATE LEGISLATURE



REPRESENTATIVE ALLEN KEMPLEN

## Sponsor Statement

### HB 154

"An Act relating to the use of laser-sighting devices."

As technology advances creating new gizmos and gadgets to better our everyday lives, concern has risen about the misuse of new technology. The information highway, the internet, email, telecommunications, bio-engineering—all of which provide advancements for society, can be used negligently. The simple laser pointer, a tool often used by managers while indexing maps or graphs, replicates the same beam of light used on laser sighting devices for handguns, rifles and military weaponry.

HB 154 was introduced in response to increased reports of misconduct involving laser-sighting devices. Under the aim of laser-sighting devices, peace officers in Anchorage have encountered situations in which they felt threatened by laser-sighted weaponry. Replicating a weapon's sighting device, peace officers react instinctively, unable to differentiate between a laser-sighted weapon and a laser pointer.

In 1999, Legislatures around the US have responded to many of the problems associated with laser sighting devices by introducing sixteen pieces of legislation. People with laser pointers have disrupted basketball games, concerts, plays, and even blinded individuals with the intense beam of light from a laser. HB 154 responds to those individuals that choose to annoy or harass others with a laser-sighting device.

HB 154 addresses the inappropriate use of laser sighting devices. Those individuals that choose to disrupt playhouses, basketball games, or other spectator activities with a laser-sighting device could be charged with disorderly conduct. IF a person negligently and purposely places the beam of light from a laser-sighting device upon a peace officer, the consequence for the action could be substantially greater than a simple disorderly conduct charge.

In an effort to protect police officers from the threat of imminent danger and to encourage appropriate use of laser sighting devices in public forums, HB 154 penalizes the inappropriate use of a laser-sighting device.

SESSION  
STATE CAPITOL  
JUNEAU, ALASKA 99801-1182  
(907) 485-2435  
(907) 485-6015 FAX  
1-800-550-2435

INTERIM  
716 W. 4TH AVENUE  
ANCHORAGE, ALASKA 99501  
(907) 258-8190

**HOUSE BILL NO. 154**

**IN THE LEGISLATURE OF THE STATE OF ALASKA**

**TWENTY-FIRST LEGISLATURE - FIRST SESSION**

**BY REPRESENTATIVE KEMPLER**

**Introduced: 3/24/99**

**Referred: Judiciary**

**A BILL**

**FOR AN ACT ENTITLED**

1 **"An Act relating to the use of laser sighting devices."**

2 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

3 **\* Section 1.** AS 11.61.110(a) is amended to read:

4 (a) A person commits the crime of disorderly conduct if [.]

5 (1) with intent to disturb the peace and privacy of another not  
6 physically on the same premises or with reckless disregard that the conduct is having  
7 that effect after being informed that it is having that effect, the person makes  
8 unreasonably loud noise;

9 (2) in a public place or in a private place of another without consent,  
10 and with intent to disturb the peace and privacy of another or with reckless disregard  
11 that the conduct is having that effect after being informed that it is having that effect,  
12 the person makes unreasonably loud noise;

13 (3) in a public place, when a crime has occurred, the person refuses to  
14 comply with a lawful order of a peace officer to disperse;

15 (4) in a private place, the person refuses to comply with an order of a

1 peace officer to leave premises in which the person has neither a right of possession  
2 nor the express invitation to remain of a person having a right of possession;

3 (5) in a public or private place, the person challenges another to fight  
4 or engages in fighting other than in self-defense;

5 (6) the person recklessly creates a hazardous condition for others by an  
6 act that [WHICH] has no legal justification or excuse; [OR]

7 (7) the offender intentionally exposes the offender's buttock or anus to  
8 another with reckless disregard for the offensive or insulting effect the act may have  
9 on that person; or

10 (8) the person knowingly aims, shines, focuses, or points a laser  
11 sighting device at or upon another with reckless disregard for the offensive,  
12 threatening, harassing, annoying, or distracting effect the act may have on the  
13 other person.

14 \* Sec. 2. AS 11.61.110(c) is amended to read:

15 (c) Disorderly conduct is a class B misdemeanor and is punishable as  
16 authorized in AS 12.55 except that, if a sentence of imprisonment is [, IF] imposed for  
17 a violation of

18 (1) (a)(1) - (7) of this section, the sentence of imprisonment [,] shall  
19 be for a definite term of not more than 10 days;

20 (2) (a)(8) of this section, and the person the laser sighting device  
21 was aimed, shined, focused, or pointed at or upon was not a uniformed or  
22 otherwise clearly identified peace officer who was engaged in the performance of  
23 official duties, the sentence of imprisonment shall be for a definite term of not  
24 more than 10 days.

25 \* Sec. 3. AS 11.61.110 is amended by adding a new subsection to read:

26 (d) In this section, "laser sighting device" means a hand-held device that emits  
27 a laser light or beam that is designed to be used by its operator to indicate, mark, or  
28 identify a specific position, place, item, or object.

4/30/99

The Washington Times

September 11, 1998,  
Student in trouble over use of laser

A Maryland college student will stand trial in Pennsylvania on an assault charge for shining a red laser beam into the eyes of a teen-ager who was helping operate a roller coaster at Hershey Park.

Michael Woods, 21, of Towson, Md., is charged with simple assault, a misdemeanor. Justice Dominic Pelino dismissed a charge of reckless endangerment.

At Wednesday's hearing, Kevin Stage, 17, testified that he was one of five attendants operating the Great Bear roller coaster at the Hershey, Pa., park on Independence Day when "the red dot of a laser-beam pointer" was trained on his right eye by someone standing in line to get on the ride.

The teen-ager said he experienced blurred vision and a tingling in his right eye that interfered with his ability to operate the ride.

Chicago Sun-Times September 2, 1998,

**Suburb curbs kids' use of laser pens**

There are laws in place to keep kids from tagging buildings with paint. Now Chicago Ridge has become the first municipality in Illinois to keep kids from tagging things with a beam of light.

The village board of the southwest suburb voted unanimously Tuesday to outlaw the sale of laser pointers to anyone younger than 18 without an adult present, and to limit their possession of them. Parents face fines of up to \$ 750 if their kids violate the ordinance.

The pen-size devices emit a concentrated beam that shines a red dot where it is pointed.

"What we want is to keep these out of the hands of kids who are using them," Village President Eugene Siegel said. "They're dangerous."

Officials were acting on a recommendation from the police department and a warning issued late last year by the federal Food and Drug Administration that said looking at a laser pointer's beam can be more intense than looking at the sun.

Children may think they are nothing more than high-tech flashlights, but the devices are not toys, the FDA warned.

That news would surprise some kids, who say the beams have become common in school.

At the Chicago Ridge Mall on Tuesday, Tom McGreal, 15, of Oak Lawn, said he has a laser pen. "In class, at football games, I usually do it to people I

know," he said. "It's kind of fun to watch them turn around and look to see where it's coming from.

"It's kind of stupid to pass a law; it's not like these pens have ever hurt anybody."

Despite the fun students have with them, the devices can be dangerous, said Dr. James McDonnell, director of pediatric ophthalmology at Loyola University Medical Center.

"If you hunker down and look at the beam, it can blind you," McDonnell said. "Every one of those things has a warning: Do not point at someone's eyes."

The American Academy of Ophthalmology issued a warning about the devices this year.

The time it takes to do damage depends on the beam's intensity, but even a second or two can be too much, McDonnell said.

Chicago Ridge joins a handful of communities, including Westchester County, N.Y., and Ocean City, Md., that have passed similar laws. A laser pointer's beam can be more intense than the sun.

The Washington Post  
August 28, 1998, Friday, Final Edition

Virginia Beach Aims Law at Laser Pointers; Shining the Devices Into Eyes Is Banned

Seema Mehta, Washington Post Staff Writer

A proliferation of laser pointers that annoyed and alarmed performers along the Virginia Beach boardwalk this season has led the City Council to restrict the use of the devices, making it a crime to shine the red beams into anyone's eyes.

Virginia Beach joined a few municipalities -- including Westchester County, N.Y., and Ocean City, Md. -- that are regulating the increasingly popular laser pointers. The city's ordinance, adopted Tuesday, provides for a maximum \$ 1,000 fine and 60 days in jail for a violation.

Ocean City's law punishes harassment or annoyance caused by pointing a laser beam on any body part. In Westchester, sales of the device to minors are prohibited.

The lipstick-size pointers -- which sell for less than \$ 10 on the Virginia Beach waterfront -- emit a red laser beam that resembles that emitted by a laser-equipped rifle sight. Brief exposure can cause distraction and temporary vision loss; prolonged exposure can cause severe eye injuries and retinal burning, according to the Food and Drug Administration.

The pointers, originally developed for corporate presentations and at first selling for hundreds of dollars, have raised concerns across the country. Police

officers fear they will mistake the toy beams for real weapons, or vice versa.

At Hersheypark in Pennsylvania on July 4, officials said, a roller coaster operator suffered temporary blindness when a laser was pointed at his eyes; a 20-year-old man was charged with disorderly conduct. A fan was ejected from a New Jersey Nets game last winter after trying to distract a player making a free throw.

"The reason we limited [the law] to the eyes was that we felt that was the greatest safety concern," said Randall Blow, Virginia Beach's deputy city attorney. He said the pointers have also been used to spotlight unsuspecting bodies on the boardwalk, but "we have other ordinances to address situations like that, such as disturbing the peace."

Boardwalk performers were among the most vocal supporters of the law. Bobby Melatti, director of beach events, said a juggler who balanced on a nine-foot unicycle cut his show short several times because the pointers distracted him.

"We felt, like most novelty items, this would run its course and hopefully fade into oblivion next season," Melatti said.

Westchester County's law, adopted in June, was prompted by incidents such as one last January, when a Peekskill police officer noticed a red laser beam dancing across his chest. Officers discovered the beam was coming from a pointer held by a 21-year-old man, whom they arrested on charges of menacing.

"Laser pointer devices were being directed at police officers, and police officers were having to make a split-second decision to determine if it was a laser pointer or a laser sight on a weapon," said Westchester County legislator Bill Ryan, who is drafting a similar New York State law.

Ryan said the beams also could cause drivers to lose control of their cars.

Besides making it illegal to sell the pointers to minors, Westchester requires that stores keep the devices in locked cases or behind the counter.

Schools also have been wrestling with the problem. The Prince William County School Board has adopted a rule forbidding students to bring pointers to school without staff approval.

The New York City Board of Education adopted a similar resolution last week.

"It's a nuisance problem having to do with little lights shining on a chalkboard during class or a student walking down the hall and finding certain parts of [his] body are being highlighted," said Douglas Eadie, Prince William's director of student services.

May 07, 1998, Thursday, Final Edition  
High-Tech Troublemakers; Students Playing With Laser Pointers Worry  
School Officials

Ann O'Hanlon, Washington Post Staff Writer

The latest dispatch from the principal's office: Classroom high jinks have gone high-tech.

Laser pointers, the tools that adults use to highlight items in slide presentations, have fallen into the hands of adolescents who are taking the instruments to school and shining them at classmates, teachers and bus drivers, according to Washington area school officials.

The Prince William School Board last night discussed a proposal to add laser pointers to the list of items banned at school, and officials in several other districts say the devices have increasingly become a source of student mischief.

Administrators in Prince William say they proposed the ban in part because of a recent warning by the U.S. Food and Drug Administration about possible eye damage from misuse of the pointers, although an FDA spokeswoman said yesterday that the risk of injury is "very small."

A student typically gets hold of a laser pointer by taking it from the briefcase of an unsuspecting parent, school administrators say. Then children flash the intense, focused beam at school friends and sometimes at employees.

A teacher at Parkland Middle School in Montgomery County recently had a laser beamed on her in class while her back was turned, said the school's principal, Jay Breakiron.

Breakiron blames the phenomenon on TV shows that glamorize laser guns and other high-tech weapons. "It's a Terminator-type thing," he said.

Principals also say that more laser pointers are turning up at school because they have become more affordable. The tiny instruments, which once cost at least \$ 100, now are selling for as little as half that at stores such as Radio Shack and Staples.

"They're pretty cheap right now. It's the latest craze," said Kris Pedersen, associate superintendent in Prince William, who calls the lights "an incredible disruption in the classroom." Douglas Eadie, the district's director of student services, said, "Sometimes it is directed at members of the opposite sex, certain body parts."

One student made his own light show at a wrestling match a couple of months ago, said Geoffrey Dodge, principal of Godwin Middle School in Prince William.

"A kid in the stands from another school was shooting in onto the mat," Dodge said. "I just had one of my security guys go up there and tell him he had to cut it out."

The FDA issued its advisory to parents and school officials in December, saying that it was concerned about the "use of these products as children's toys" and that "recent price reductions have led to wider marketing." The agency said it had received two reports of eye injuries from laser pointers -- one from a parent and one from an ophthalmologist.

FDA spokeswoman Sharon Snider said yesterday that it probably would take

prolonged staring at the light from a laser pointer to cause eye damage.

The Prince William School Board will vote on the proposed ban at the end of the month. Under the measure, a student would need permission from a teacher or an administrator to bring a laser pointer to school.

Board member Steven Keen (Woodbridge) said he wonders if the proposal is nit-picking. "We're not here to regulate every single thing that a student can do," he said.

At Montgomery Village Middle School in Gaithersburg, Principal Don Barron decided yesterday to get some educational benefit from a confiscated laser pointer.

"The teacher had it and was showing it to me," he said. "I'm a former physics teacher. So what we did was we turned it into a physics lesson and clapped erasers together," shining the light through the chalk dust so students could see the beam.

Barron said he understands the craze. "It's neat to look at them," he said.