

1 **USE, POSSESSION, OR SALE OF LASER**
2 **POINTERS**

3 2000 GENERAL SESSION

4 STATE OF UTAH

5 **Sponsor: D. Edgar Allen**

6 AN ACT RELATING TO THE UTAH CRIMINAL CODE; CREATING THE CRIME OF
7 UNLAWFUL USE, POSSESSION, OR SALE OF A LASER POINTER; ESTABLISHING
8 PENALTIES; AND PROVIDING DEFINITIONS.

9 This act affects sections of Utah Code Annotated 1953 as follows:

10 ENACTS:

11 **76-10-2401**, Utah Code Annotated 1953

12 *Be it enacted by the Legislature of the state of Utah:*

13 Section 1. Section **76-10-2401** is enacted to read:

14 **Part 24. Unlawful Use, Possession, or Sale of a Laser Pointer**

15 **76-10-2401. Unlawful use, possession, or sale of a laser pointer.**

16 (1) As used in this section:

17 (a) "Laser pointer" means a portable device that emits a visible beam of laser light that may
18 be directed at a person and:

19 (i) includes:

20 (A) pen-like devices; and

21 (B) pens, jewelry, watches, novelty items, and other devices that are designed with a
22 built-in laser; and

23 (ii) does not include:

24 (A) sighting instruments designed for attachment to a firearm or an archer's bow;

25 (B) devices designed solely for use in laser tag games; and

26 (C) construction tools, survey instruments, binoculars, and, except as provided in
27 Subsection (1)(a)(i)(B), other equipment intended for a use other than instruction or presentation.

- 28 (b) "Law enforcement officer" means an officer under Section 53-13-103.
- 29 (c) "Minor" means a person younger than 18 years of age.
- 30 (2) A person is guilty of unlawful use, possession, or sale of a laser pointer if the person:
- 31 (a) directs a beam of laser light from a laser pointer at:
- 32 (i) another person's or an animal's eyes;
- 33 (ii) the occupants of a motor vehicle; or
- 34 (iii) one who should reasonably be known by the person to be a law enforcement officer;
- 35 (b) is a minor and, except as provided in Subsection (3), uses or possesses a laser pointer;
- 36 or
- 37 (c) sells a laser pointer to a minor.
- 38 (3) Under the supervision of an adult a minor may use or possess a laser pointer in a school
- 39 or other setting:
- 40 (a) to make an audio visual or other presentation; or
- 41 (b) to provide instruction.
- 42 (4) It is an affirmative defense to a charge under Subsection (2)(a)(iii) that:
- 43 (a) the law enforcement officer was not in uniform, not traveling in a vehicle identified as
- 44 a law enforcement vehicle, and not otherwise engaged in an activity that would reasonably cause
- 45 him to be known by the person as a law enforcement officer; and
- 46 (b) the law enforcement officer was not otherwise known by the person to be a law
- 47 enforcement officer.
- 48 (5) Violation of Subsection (2) is an infraction, except that violation of Subsection
- 49 (2)(a)(iii) is a class C misdemeanor.
- 50 (6) Nothing in this section may be construed as limiting the ability of a school, public or
- 51 private sports arena, or other organization to restrict the use, possession, and sale of laser pointers
- 52 on its premises.

Legislative Review Note
as of 1-25-00 5:58 PM

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

Office of Legislative Research and General Counsel