

**USE § [;] OR § POSSESSION § [~~OR SALE~~] § OF LASER
POINTERS**

2000 GENERAL SESSION

STATE OF UTAH

Sponsor: D. Edgar Allen

AN ACT RELATING TO THE UTAH CRIMINAL CODE; CREATING THE CRIME OF
UNLAWFUL USE § [;] OR § POSSESSION § [~~OR SALE~~] § OF A LASER POINTER;
ESTABLISHING
PENALTIES; AND PROVIDING DEFINITIONS.

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

ENACTS:

76-10-2401, Utah Code Annotated 1953

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

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

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

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

(1) As used in this section:

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

(i) includes:

(A) pen-like devices; and

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

(ii) does not include:

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

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

(C) construction tools, survey instruments, binoculars, and, except as provided in

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 § [;] OR § possession § [~~, or sale~~] § of a laser pointer
 30a 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 ITS OCCUPANTS § ; or
 34 (iii) one who should reasonably be known by the person to be a law enforcement officer;
 34a § OR §
 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 § [~~,] AND § possession § [~~and~~~~
 51a sale] § of laser
 51a pointers
 52 on its premises.

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

01-26-00 9:33 AM

S.B. 155

Office of Legislative Research and General Counsel