

UNLAWFUL USE OF LASER POINTERS

2001 GENERAL SESSION

STATE OF UTAH

Sponsor: D. Edgar Allen

This act modifies the Criminal Code to create the offense of unlawful use of a laser pointer. The act provides definitions, penalties, and defenses.

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 of a Laser Pointer

76-10-2401. Unlawful use of a laser pointer -- Definitions -- Penalties.

(1) As used in this section:

(a) "Laser light" means light that is amplified by stimulated emission of radiation.

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

(c) "Law enforcement officer" means an officer under Section 53-13-103.

(2) A person is guilty of unlawful use of a laser pointer if the person directs a beam of laser light from a laser pointer at:

(a) a moving motor vehicle or its occupants; or

(b) one whom the person knows or has reason to know is a law enforcement officer.

(3) It is an affirmative defense to a charge under Subsection (2)(b) that:

(a) the law enforcement officer was:

(i) not in uniform;

(ii) not traveling in a vehicle identified as a law enforcement vehicle; and

(iii) not otherwise engaged in an activity that would give the person reason to know him to be a law enforcement officer; and

(b) the law enforcement officer was not otherwise known by the person to be a law

enforcement officer.

(4) Violation of Subsection (2)(a) is an infraction. Violation of Subsection (2)(b) is a class C misdemeanor.

(5) If the violation of this section constitutes an offense subject to a greater penalty under another provision of Title 76, Utah Criminal Code, than is provided under this section, this section does not prohibit the prosecution and sentencing for the offense subject to a greater penalty.