

Senate Bill 441

By: Senators Crosby of the 13th, Hamrick of the 30th, Grant of the 25th, Ramsey, Sr. of the 43rd and Murphy of the 27th

A BILL TO BE ENTITLED  
AN ACT

1 To amend Article 2 of Chapter 10 of Title 16 of the Official Code of Georgia Annotated,  
2 relating to obstruction of public administration and related offenses, so as to establish the  
3 offense of unlawful pointing of a laser device at a law enforcement officer; to provide for  
4 penalties; to provide for related matters; to provide for an effective date and applicability; to  
5 repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Article 2 of Chapter 10 of Title 16 of the Official Code of Georgia Annotated, relating to  
9 obstruction of public administration and related offenses, is amended by adding a new Code  
10 section to read as follows:

11 "16-10-34.

12 (a) For purposes of this Code section, the term 'laser device' means a device designed to  
13 amplify electromagnetic radiation by stimulated emission that emits a beam designed to be  
14 used by the operator as a pointer or highlighter to indicate, mark, or identify a specific  
15 position, place, item, or object. Such term also means a device that projects a beam or  
16 point of light by means of light amplification by stimulated emission of radiation or other  
17 means or that emits light which simulates the appearance of a beam of light.

18 (b) It shall be unlawful for any person to knowingly and intentionally aim or point at or  
19 toward or to knowingly and intentionally project upon a law enforcement officer any laser  
20 device without such officer's permission if:

21 (1) The law enforcement officer is lawfully acting within the course and scope of  
22 employment; and

23 (2) The person has knowledge or reason to know that the law enforcement officer is  
24 employed as:

25 (A) A peace officer as defined in paragraph (8) of Code Section 35-8-2;

(B) A probation officer, or other employee with the power of arrest, by the Department of Corrections;

(C) A parole supervisor, or other employee with the power of arrest, by the State Board of Pardons and Paroles;

(D) A jail officer or guard by a county or municipality and has the responsibility of supervising inmates who are confined in a county or municipal jail or other detention facility; or

(E) A juvenile correctional officer by the Department of Juvenile Justice and has the primary responsibility for the supervision and control of youth confined in such department's programs and facilities.

(c) Any person who violates subsection (b) of this Code section shall be guilty of a high and aggravated misdemeanor and, upon conviction thereof, be punished by imprisonment for not less than 12 months or a fine of not more than \$5,000.00, or both.

(d) It shall not be a defense to a prosecution for a violation of this Code section that the law enforcement officer was within a motor vehicle or building at the time that a laser device was pointed at such officer where the laser device is pointed through a glass, window, or other transparent or translucent object.

(e) A violation of this Code section shall constitute a separate offense. A sentence imposed under this Code section may be imposed separately from and consecutive to or concurrent with a sentence for any other offense related to the act or acts establishing the offense under this Code section."

## SECTION 2.

48 This Act shall become effective on July 1, 2012, and shall apply to offenses committed on  
49 or after such date.

### **SECTION 3.**

51 All laws and parts of laws in conflict with this Act are repealed.