

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;

- 26 (B) A probation officer, or other employee with the power of arrest, by the Department  
 27 of Corrections;
- 28 (C) A parole supervisor, or other employee with the power of arrest, by the State Board  
 29 of Pardons and Paroles;
- 30 (D) A jail officer or guard by a county or municipality and has the responsibility of  
 31 supervising inmates who are confined in a county or municipal jail or other detention  
 32 facility; or
- 33 (E) A juvenile correctional officer by the Department of Juvenile Justice and has the  
 34 primary responsibility for the supervision and control of youth confined in such  
 35 department's programs and facilities.
- 36 (c) Any person who violates subsection (b) of this Code section shall be guilty of a high  
 37 and aggravated misdemeanor and, upon conviction thereof, be punished by imprisonment  
 38 for not less than 12 months or a fine of not more than \$5,000.00, or both.
- 39 (d) It shall not be a defense to a prosecution for a violation of this Code section that the  
 40 law enforcement officer was within a motor vehicle or building at the time that a laser  
 41 device was pointed at such officer where the laser device is pointed through a glass,  
 42 window, or other transparent or translucent object.
- 43 (e) A violation of this Code section shall constitute a separate offense. A sentence  
 44 imposed under this Code section may be imposed separately from and consecutive to or  
 45 concurrent with a sentence for any other offense related to the act or acts establishing the  
 46 offense under this Code section."

47 **SECTION 2.**

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

50 **SECTION 3.**

51 All laws and parts of laws in conflict with this Act are repealed.