

The Senate Public Safety Committee offered the following substitute to SB 441:

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 amend Chapter
4 11 of Title 16 of the Official Code of Georgia Annotated, relating to offenses against public
5 order and safety, so as to prohibit aiming a laser pointer or projecting a laser on or at an
6 aircraft; to prohibit laser use in the airspace; to provide for penalties; to provide for related
7 matters; to provide for an effective date and applicability; to repeal conflicting laws; and for
8 other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

10 SECTION 1.

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

14 "16-10-34.

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

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

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

- 26 (2) The person has knowledge or reason to know that the law enforcement officer is
 27 employed as:
- 28 (A) A peace officer as defined in paragraph (8) of Code Section 35-8-2;
 29 (B) A probation officer, or other employee with the power of arrest, by the Department
 30 of Corrections;
 31 (C) A parole supervisor, or other employee with the power of arrest, by the State Board
 32 of Pardons and Paroles;
 33 (D) A jail officer or guard by a county or municipality and has the responsibility of
 34 supervising inmates who are confined in a county or municipal jail or other detention
 35 facility; or
 36 (E) A juvenile correctional officer by the Department of Juvenile Justice and has the
 37 primary responsibility for the supervision and control of youth confined in such
 38 department's programs and facilities.
- 39 (c) Any person who violates subsection (b) of this Code section shall be guilty of a high
 40 and aggravated misdemeanor.
- 41 (d) It shall not be a defense to a prosecution for a violation of this Code section that the
 42 law enforcement officer was within a motor vehicle or building at the time that a laser
 43 device was pointed at such officer where the laser device is pointed through a glass,
 44 window, or other transparent or translucent object.
- 45 (e) Each violation of this Code section shall constitute a separate offense. A sentence
 46 imposed under this Code section may be imposed separately from and consecutive to or
 47 concurrent with a sentence for any other offense related to the act or acts establishing the
 48 offense under this Code section."

49 SECTION 2.

50 Chapter 11 of Title 16 of the Official Code of Georgia Annotated, relating to offenses against
 51 public order and safety, is amended by adding a new Code section to read as follows:

52 "16-11-45.

- 53 (a) As used in this Code section, the term 'laser pointer' means any device designed or used
 54 to amplify electromagnetic radiation by stimulated emission that emits a beam designed to
 55 be used by the operator as a pointer or highlighter to indicate, mark, or identify a specific
 56 position, place, item, or object. The term 'laser' means any device that projects a beam or
 57 point of light by means of light amplification by stimulated emission of radiation or a
 58 device that emits light which simulates the appearance of a laser.
- 59 (b) Except as otherwise provided in subsection (d) of this Code section, whoever
 60 knowingly or negligently aims the beam of a laser pointer, or projects a laser, at an aircraft
 61 or at the flight path of an aircraft shall be guilty of a misdemeanor.

62 (c) Except as otherwise provided in subsection (d) of this Code section, whoever
63 knowingly or negligently uses a laser in the airspace is guilty of a misdemeanor.
64 (d) Laser or laser pointer airspace uses that have been reviewed and approved by the
65 Federal Aviation Administration are exempt from the provisions of this Code section."

66 **SECTION 3.**

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

69 **SECTION 4.**

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