

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

**AS PASSED SENATE**

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.