

The House Committee on Judiciary Non-civil offers 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 provide for penalties; to provide for related matters; to provide for an effective
7 date and applicability; to repeal conflicting laws; and for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 style="text-align:center">**SECTION 1.**

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

13 "16-10-34.

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

20 (b) It shall be unlawful for any person to knowingly and intentionally project upon a law
21 enforcement officer any laser device without such officer's permission if:

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

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

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

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

46 SECTION 2.

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

49 "16-11-45.

50 (a) As used in this Code section, the term:

51 (1) 'Laser' means any device that projects a beam or point of light by means of light
 52 amplification by stimulated emission of radiation or a device that emits light which
 53 simulates the appearance of a laser.

54 (2) 'Laser pointer' means any device designed or used to amplify electromagnetic
 55 radiation by stimulated emission that emits a beam designed to be used by the operator
 56 as a pointer or highlighter to indicate, mark, or identify a specific position, place, item,
 57 or object.

58 (b) Except as otherwise provided in subsection (c) of this Code section, whoever
 59 knowingly and intentionally aims the beam of a laser pointer, or projects a laser, at an
 60 aircraft or at the flight path of an aircraft shall be guilty of a misdemeanor.

61 (c) Laser or laser pointer airspace uses that have been reviewed and approved by the
 62 Federal Aviation Administration are exempt from the provisions of this Code section."

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SECTION 3.

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

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SECTION 4.

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