

1999 DRAFTING REQUEST

Bill

Received: **02/1/99**

Received By: **olsenje**

Wanted: **As time permits**

Identical to LRB:

For: **Dean Kaufert (608) 2664719**

By/Representing: **Misha**

This file may be shown to any legislator: NO

Drafter: **olsenje**

May Contact:

Alt. Drafters:

Subject: **Criminal Law - miscellaneous**

Extra Copies:

Pre Topic:

No specific pre topic given

Topic:

Misuse of laser pointers

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/P1	olsenje 02/11/99	jgeller 02/11/99	hhagen 02/12/99	_____	lrb-docadmin 02/12/99		
/1	olsenje 02/12/99	jgeller 02/12/99	hhagen 02/12/99	_____	lrb-docadmin 02/12/99	lrb-docadmin 02/12/99	lrb-docadmin 02/12/99

FE Sent For:

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/P1	olsenje 02/11/99	jpgeller 02/11/99	hhagen 02/12/99	_____	lrb_docadmin 02/12/99		

FE Sent For:

Handwritten notes: 1/2 3/12 jpg 02/12 01/12/99

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Handwritten note: Jacket "1" for Assembly JEO

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I?	olsenje	PI 2/11 jlg	2/12	4/12			

FE Sent For:

<END>

Submit "7" Drafts
JFO

Confert by Micha

2005

Prohibit aiming laser pointer @ cops

Like Milw. Ord.

Class B misd.

*Kim, Addl. Jurisdictions
With Existing Laws:*

① San Francisco

② Chic. - Ridge

③ West Chester Co. N.Y.

④ Virginia Beach

⑤ New York City

..NUMB:

..VERS:

ORIGINAL

..REF:

..XXBY:

ALD. PAWLINSKI

..TITL:

An ordinance relating to the sale, possession and use of **laser** pointers and providing a penalty.

..SECS:

105-45 cr

..ANLS:

- Analysis -

This ordinance regulates the sale, possession and use of laser pointers as follows:

1. Prohibits **intentionally** pointing a laser pointer beam at any part of the body **of** another individual.

2. Prohibits sale of laser pointers to minors under 18 years.

3. Prohibits **possession of** laser pointers by minors under 18 years.

4. Require8 retail stores to locate laser pointers so they either are readily observable by cameras or personnel, **or** are inaccessible to customers without **assistance**.

The penalty for a **minor** possessing a laser pointer is \$200. The penalty for any other violation is a **forfeiture** of \$500 to \$5,000 or, upon default, imprisonment for not **more** than 90 days.

..BODY:

The Mayor and Common Council of the City of Milwaukee **do ordain** as follows:

Part 1. Sections **105-45** of the code **is** created to read:

105-45. Sal., Possession and Use of Laser Pointers.

1. DEFINITIONS. In this section:

a. "**Laser** pointer" means any hand-held device that emits light amplified by the stimulated emission of radiation which is visible to the human eye,

b. "Person" means an individual, firm, partnership, corporation or association.

2. PROHIBITED USE. No person may intentionally, and without good cause, direct a beam from a laser pointer at any part of the body of another individual.

~~3. SALES TO MINORS.~~ No person, except a parent or legal guardian, employer, teacher or other person authorized to supervise minors, may sell or give away or in any way furnish a laser pointer to any person under the age of 18.

4. POSSESSION BY MINORS. No person under the age of 18 may possess a laser pointer in a public or private place, without the express permission of the owner or operator of the property.

5. RETAIL SALES REGULATIONS. Each person that owns, conducts, operates or manages a retail commercial establishment selling laser pointers shall:

a. Place a sign in the direct view of persons responsible for accepting customer payment for laser pointers stating:

SELLING LASER POINTERS TO PERSONS UNDER 18 YEARS OF AGE IS AGAINST THE LAW. VIOLATORS CAN BE FINED UP TO \$5,000 OR IMPRISONED UP TO 90 DAYS.

b. Display laser pointers in one of the following ways:

b-1. Display laser pointers in such a manner as to make them inaccessible to a customer present in the area allocated for customer use without assistance from an employe of the establishment.

b-2. Display laser pointers in such a manner that cameras or personnel can readily observe customers during all times the establishment is open to the public. Observation by personnel may be facilitated by mirrors.

6. PENALTIES. a. Any person convicted of violating sub. 4 shall forfeit \$200 per violation.

b. Any person convicted of violating any provision of this section except sub, 4 shall forfeit not less than \$500 nor more than \$5,000 per violation or, upon default of payment, be imprisoned for not more than 90 days.

..LRB:

APPROVED AS TO FORM

Bary Zalben
Legislative Reference Bureau
Date: 12/12/98

..CATT:

IT IS OUR OPINION THAT THE ORDINANCE
IS LEGAL AND ENFORCEABLE

Office of the City Attorney
Date: _____

..ZDPT:

..DFTR:

98486-1
CW
12/12/98



Very Soon

JEO: ne
JG

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

gen cat

1 **AN ACT ...; relating to:** misuse of laser pointers and providing a penalty.

Analysis by the Legislative Reference Bureau

Current law provides various restrictions on acts that endanger public health and safety. Among the acts covered by these restrictions are disarming a police officer and possessing or using certain weapons or devices that imitate or look like certain weapons. A person who disarms a police officer may be fined not more than \$10,000 or imprisoned for not more than two years or both, if the offense occurs before December 31, 1999, or may be fined not more than \$10,000 or imprisoned for not more than five years or both, if the offense occurs on or after December 31, 1999. If a person carries or displays a facsimile firearm (such as a toy firearm or a starter pistol) in a manner that could reasonably be expected to alarm, intimidate, threaten or terrify another person, the person may be subject to a forfeiture (a civil monetary penalty) of not more than \$500.

This bill prohibits a person from intentionally and for no legitimate purpose directing a beam of light from a laser pointer at any part of the body of a law enforcement officer. A person who violates this prohibition may be fined not more than \$1,000 or imprisoned for not more than 90 days or both.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

2 **SECTION 1.** 941.33 of the statutes is created to read:

1 **941.33 Misuse of laser pointers. (1)** In this section:

2 (a) "Laser pointer" means a hand-held device that uses light amplification by
3 stimulated emission of radiation to emit a beam of light that is visible to the human
4 eye.

5 (b) "Law enforcement officer" means a Wisconsin law enforcement officer, as
6 defined in s. 175.46 (1) (g),[✓] or a federal law enforcement officer, as defined in s. 175.40
7 (7) (a) 1.[✓]

8 (2) Whoever intentionally and for no legitimate purpose directs a beam of light
9 from a laser pointer at any part of the body of a law enforcement officer is guilty of
10 a Class B misdemeanor.

11 **SECTION 2. Initial applicability.**

12 (1) This act first applies to offenses committed on the effective date of this
13 subsection.[✓]

14

(END)

D-NOTE

DRAFTERS NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-2085/P1dn

JEO: i:...

JLg

Misha:

Please note the following when reviewing this draft:

1. I modified the definition of “laser pointer” slightly to make it clear that what has to be visible to the human eye is the light emitted by the device, not the process of stimulating emission of radiation. For consistency with the substantive prohibition in the draft, the definition also refers to a “beam” of light.

2. Instead of using “without good cause”, this draft uses “for no legitimate purpose” because the latter phrase is used in the criminal code (while the former is not) and it seems slightly more objective. You may want to consider whether there is ever any legitimate purpose (or good cause) for aiming a laser pointer at a law enforcement officer.

3. The draft covers federal, state and local law enforcement officers. Is that your intent?

Please let me know if you have any questions or changes.

Jefren E. Olsen
Legislative Attorney
Phone: (608) 2664906
E-mail: Jefren.Olsen@legis.state.wi.us

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-2085/P1dn
JEO:jlg:hmh

Friday, February 12, 1999

Misha:

Please note the following when reviewing this draft:

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Jefren E. Olsen
Legislative Attorney
Phone: (608) 26643906
E-mail: Jefren.Olsen@legis.state.wi.us

Olsen, Jefren

From: Lee, Misha
Sent: Friday, February 12, 1999 1:40 PM
To: Olsen, Jefren
Subject: LRB 2085/P1 dn

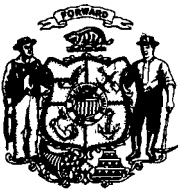
Jefren,

Thanks for your timely work on the laser pointer preliminary draft. Everything looks goo. I just want to make sure we're not going to run into any legal problems with the definition "for no legitimate purpose." Consistency is good. ~~We can't think of any useful reasons to point one at an officer.~~ But is the definition of this term spelled out pretty clearly? ~~If so, we're fine with it.~~ ~~In addition, yes our intent is to protect all law enforcement groups whether they are federal, state and/or local.~~ Thanks and please call me (6-5719) if you need me to answer anything else for you.

If you have no questions, can you please send us a final draft ASAP so we can prepare for introduction. Thanks again.

MISHA
Rep. Kaufert

Per Misha
Take out "legit purpose" language.
Track "1" for Assembly



State of Wisconsin
1999 - 2000 LEGISLATURE

LRB-2085/P1

JEO:jlg:hmh

By Mandy
2/15

draft
maker
run

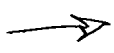
PRELIMINARY DRAFT NOT READY FOR INTRODUCTION

Regen

1 AN ACT to create 941.33 of the statutes; relating to: misuse of laser pointers and
2 providing a penalty.

Analysis by the Legislative Reference Bureau

Current law provides various restrictions on acts that endanger public health and safety. Among the acts covered by these restrictions are disarming a police officer and possessing or using certain weapons or devices that imitate or look like certain weapons. A person who disarms a police officer may be fined not more than \$10,000 or imprisoned for not more than two years or both, if the offense occurs before December 31, 1999, or may be fined not more than \$10,000 or imprisoned for not more than five years or both, if the offense occurs on or after December 31, 1999. If a person carries or displays a facsimile firearm (such as a toy firearm or a starter pistol) in a manner that could reasonably be expected to alarm, intimidate, threaten or terrify another person, the person may be subject to a forfeiture (a civil monetary penalty) of not more than \$500.



This bill prohibits a person from intentionally ~~and to no legal purpose~~ directing a beam of light from a laser pointer at any part of the body of a law enforcement officer. A person who violates this prohibition may be fined not more than \$1,000 or imprisoned for not more than 90 days or both.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

**SUBMITTAL
FORM**

**LEGISLATIVE REFERENCE BUREAU
Legal Section Telephone: 266-3561
5th Floor, 100 N. Hamilton Street**

The attached draft is submitted for your inspection. Please check each part carefully, proofread each word, and **sign** on the appropriate line(s) below.

Date: 2/12/99

To: Representative Kaufert

Relating to LRB drafting number: LRB-2085

Topic

Misuse of laser pointers

Subject(s)

Criminal Law - miscellaneous

1. **JACKET** the draft for introduction _____

in the **Senate** ____ or the **Assembly** (check only one). Only the requester under whose name the drafting request is entered in the **LRB's** drafting records may authorize the draft to be submitted. Please allow one day for the preparation of the required copies.

2. **REDRAFT.** See the changes indicated or attached _____

A revised draft will be submitted for your approval with changes incorporated.

3. Obtain **FISCAL ESTIMATE NOW**, prior to introduction _____

If the analysis indicates that a fiscal estimate is required because the proposal makes an appropriation or increases or decreases existing appropriations or state or general local government fiscal liability or revenues, you have the option to request the fiscal estimate prior to introduction. If you choose to introduce the proposal without the fiscal estimate, the fiscal estimate will be requested automatically upon introduction. It takes about 10 days to obtain a fiscal estimate. Requesting the fiscal estimate prior to introduction retains your flexibility for possible redrafting of the proposal.

If you have any questions regarding the above procedures, please call 266-3561. If you have any questions relating to the attached draft, please feel free to call me.

Jefren E. Olsen, Legislative Attorney
Telephone: (608) 2664906