

MAINE STATE LEGISLATURE

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CRIMINAL JUSTICE

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
119TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 190, L.D. 268, Bill, "An Act to Prohibit the Misuse of Laser Pointers"

Amend the bill by striking out everything after the enacting clause and before the emergency clause and inserting in its place the following:

Sec. 1. 17-A MRSA §1002-A is enacted to read:

§1002-A. Criminal use of laser pointers

1. A person is guilty of criminal use of a laser pointer if the person intentionally, knowingly or recklessly points a laser pointer at another person, while the laser pointer is emitting a laser beam, and:

A. Causes bodily injury to that other person;

B. That other person is a law enforcement officer in uniform; or

C. Causes a reasonable person to suffer intimidation, annoyance or alarm.

2. For the purposes of this section, "laser pointer" means a hand-held device that emits a visible light beam amplified by the stimulated emission of radiation.

3. It is a defense to a prosecution under this section that at the time of the laser pointer's use the person who intentionally, knowingly or recklessly pointed a laser pointer at another person was justified under chapter 5 in threatening or using physical force upon the other person.

4. Violation of subsection 1, paragraph A or B is a Class D crime. Violation of subsection 1, paragraph C is a Class E crime. As part of every judgment of conviction and sentence imposed, every laser pointer that constitutes the basis for conviction under this section must be forfeited to the State and the court shall so order, unless another person can satisfy the court prior to the judgment and by a preponderance of the evidence that such other person had a right to possess the laser pointer, to the exclusion of the defendant, at the time of the offense.'

Further amend the bill by inserting at the end before the summary the following:

FISCAL NOTE

This bill may increase prosecutions for Class D and E crimes. If a jail sentence is imposed, the additional costs to the counties are estimated to be \$82.48 per day per prisoner. These costs are not reimbursed by the State. The number of prosecutions that may result in a jail sentence and the resulting costs to the county jail system are expected to be insignificant.

The additional workload, administrative costs and indigent defense costs associated with the minimal number of new cases filed in the court system can be absorbed within the budgeted resources of the Judicial Department. The collection of additional fines may also increase General Fund revenue by minor amounts.'

SUMMARY

This amendment replaces the bill. The amendment redefines the offense "criminal use of a laser pointer." A person is guilty of criminal use of a laser pointer if: the person intentionally, knowingly or recklessly points a laser pointer at another person, while the laser pointer is emitting a laser beam, and causes bodily injury to that other person; that other person is a law enforcement officer in uniform; or the person causes a reasonable person to suffer intimidation, annoyance or alarm. The amendment specifies that it is a defense to a prosecution under this section that at the time of the laser pointer's use the person who intentionally, knowingly or recklessly pointed a laser pointer at another person was justified in threatening or

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COMMITTEE AMENDMENT "A" to H.P. 190, L.D. 268

2 using physical force upon the other person. The amendment also allows the State to confiscate laser pointers. The amendment also adds a fiscal note.

COMMITTEE AMENDMENT