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HOUSE BILL 2086

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State of Washington                      56th Legislature                      1999 Regular Session

By Representatives Esser, Carrell, O'Brien, Constantine, Lovick, Schindler and Anderson

Read first time 02/15/1999. Referred to Committee on Criminal Justice & Corrections.

1            AN ACT Relating to the unlawful discharge of lasers; amending RCW  
2 9A.46.060; adding a new chapter to Title 9A RCW; creating a new  
3 section; and prescribing penalties.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5            NEW SECTION.    **Sec. 1.**    The legislature finds that lasers are  
6 becoming both less expensive and more accessible in our technologically  
7 advanced society. Laser devices are being used by individuals in a  
8 manner so as to intimidate, harass, and annoy. This creates an  
9 especially serious problem for law enforcement officers who reasonably  
10 believe they are the target of a laser sighting device on a firearm.  
11 Additionally, emergency service providers, service providers, and  
12 others who operate aircraft or motor vehicles may be annoyed or  
13 affected to the point of jeopardizing their safety as well as the  
14 safety of others. In order to address the misuse of lasers, the  
15 legislature hereby finds it necessary to criminalize the discharge of  
16 lasers under certain circumstances.

17            NEW SECTION.    **Sec. 2.**    The definitions in this section apply  
18 throughout this chapter unless the context clearly requires otherwise.

1 (1) "Aircraft" means any contrivance known or hereafter invented,  
2 used, or designed for navigation of or flight in air.

3 (2) "Laser" means any device designed or used to amplify  
4 electromagnetic radiation by simulated emission which is visible to the  
5 human eye.

6 (3) "Laser sighting system or device" means any system or device  
7 which is integrated with or affixed to a firearm and which emits a  
8 laser light beam that is used by the shooter to assist in the sight  
9 alignment of that firearm.

10 NEW SECTION. Sec. 3. (1) A person is guilty of unlawful discharge  
11 of a laser in the first degree if he or she knowingly and maliciously  
12 discharges a laser, under circumstances not amounting to malicious  
13 mischief in the first degree:

14 (a) At a law enforcement officer or other employee of a law  
15 enforcement agency who is performing his or her official duties in  
16 uniform or exhibiting evidence of his or her authority, and in a manner  
17 that would support that officer's or employee's reasonable belief that  
18 he or she is targeted with a laser sighting device or system; or

19 (b) At a law enforcement officer or other employee of a law  
20 enforcement agency who is performing his or her official duties,  
21 causing an impairment of the safety or operation of a law enforcement  
22 vehicle or causing an interruption or impairment of service rendered to  
23 the public by annoying or affecting the officer or employee; or

24 (c) At a pilot causing an impairment of the safety or operation of  
25 an aircraft or causing an interruption or impairment of service  
26 rendered to the public by annoying or affecting the pilot; or

27 (d) At a fire fighter or other employee of a fire department,  
28 county fire marshal's office, county fire prevention bureau, or fire  
29 protection district who is performing his or her official duties,  
30 causing an impairment of the safety or operation of an emergency  
31 vehicle or causing an interruption or impairment of service rendered to  
32 the public by annoying or affecting the fire fighter or employee; or

33 (e) At a transit operator or driver of a public or private transit  
34 company while that person is performing his or her official duties,  
35 causing an impairment of the safety or operation of a transit vehicle  
36 or causing an interruption or impairment of service rendered to the  
37 public by annoying or affecting the operator or driver; or

1 (f) At a school bus driver employed by a school district or private  
2 company while the driver is performing his or her official duties,  
3 causing an impairment of the safety or operation of a school bus or  
4 causing an interruption or impairment of service by annoying or  
5 affecting the bus driver.

6 (2) Unlawful discharge of a laser in the first degree is a class C  
7 felony.

8 NEW SECTION. Sec. 4. (1) A person is guilty of unlawful discharge  
9 of a laser in the second degree if he or she knowingly and maliciously  
10 discharges a laser, under circumstances not amounting to unlawful  
11 discharge of a laser in the first degree or malicious mischief in the  
12 first or second degree:

13 (a) At a person, not described in section 3(1) (a) through (f) of  
14 this act, who is operating a motor vehicle at the time, causing an  
15 impairment of the safety or operation of a motor vehicle by annoying or  
16 affecting the driver; or

17 (b) At any person described in section 3(1) (b) through (f) of this  
18 act, causing a substantial risk of an impairment or interruption as  
19 described in section 3(1) (b) through (f) of this act.

20 (2) Unlawful discharge of a laser in the second degree is a gross  
21 misdemeanor.

22 NEW SECTION. Sec. 5. (1) A person is guilty of unlawful discharge  
23 of a laser in the third degree if he or she knowingly and maliciously  
24 discharges a laser, under circumstances not amounting to unlawful  
25 discharge of a laser in the first or second degree or malicious  
26 mischief in the first, second, or third degree:

27 (a) At another person in order to intimidate or threaten that  
28 person; or

29 (b) At another person, directly or indirectly, in such a manner as  
30 to unreasonably cause serious annoyance to the person.

31 (2) Unlawful discharge of a laser in the third degree is a  
32 misdemeanor.

33 NEW SECTION. Sec. 6. This act does not apply to the conduct of a  
34 laser development activity by or on behalf of the United States armed  
35 forces.

1       **Sec. 7.** RCW 9A.46.060 and 1997 c 338 s 52 are each amended to read  
2 as follows:

3       As used in this chapter, "harassment" may include but is not  
4 limited to any of the following crimes:

- 5       (1) Harassment (RCW 9A.46.020);
- 6       (2) Malicious harassment (RCW 9A.36.080);
- 7       (3) Telephone harassment (RCW 9.61.230);
- 8       (4) Assault in the first degree (RCW 9A.36.011);
- 9       (5) Assault of a child in the first degree (RCW 9A.36.120);
- 10       (6) Assault in the second degree (RCW 9A.36.021);
- 11       (7) Assault of a child in the second degree (RCW 9A.36.130);
- 12       (8) Assault in the fourth degree (RCW 9A.36.041);
- 13       (9) Reckless endangerment (RCW 9A.36.050);
- 14       (10) Extortion in the first degree (RCW 9A.56.120);
- 15       (11) Extortion in the second degree (RCW 9A.56.130);
- 16       (12) Coercion (RCW 9A.36.070);
- 17       (13) Burglary in the first degree (RCW 9A.52.020);
- 18       (14) Burglary in the second degree (RCW 9A.52.030);
- 19       (15) Criminal trespass in the first degree (RCW 9A.52.070);
- 20       (16) Criminal trespass in the second degree (RCW 9A.52.080);
- 21       (17) Malicious mischief in the first degree (RCW 9A.48.070);
- 22       (18) Malicious mischief in the second degree (RCW 9A.48.080);
- 23       (19) Malicious mischief in the third degree (RCW 9A.48.090);
- 24       (20) Kidnapping in the first degree (RCW 9A.40.020);
- 25       (21) Kidnapping in the second degree (RCW 9A.40.030);
- 26       (22) Unlawful imprisonment (RCW 9A.40.040);
- 27       (23) Rape in the first degree (RCW 9A.44.040);
- 28       (24) Rape in the second degree (RCW 9A.44.050);
- 29       (25) Rape in the third degree (RCW 9A.44.060);
- 30       (26) Indecent liberties (RCW 9A.44.100);
- 31       (27) Rape of a child in the first degree (RCW 9A.44.073);
- 32       (28) Rape of a child in the second degree (RCW 9A.44.076);
- 33       (29) Rape of a child in the third degree (RCW 9A.44.079);
- 34       (30) Child molestation in the first degree (RCW 9A.44.083);
- 35       (31) Child molestation in the second degree (RCW 9A.44.086);
- 36       (32) Child molestation in the third degree (RCW 9A.44.089);
- 37       (33) Stalking (RCW 9A.46.110);
- 38       (34) Residential burglary (RCW 9A.52.025); ((and))

1 (35) Violation of a temporary or permanent protective order issued  
2 pursuant to chapter 9A.46, 10.14, 10.99, 26.09, or 26.50 RCW;

3 (36) Unlawful discharge of a laser in the first degree (section 3  
4 of this act);

5 (37) Unlawful discharge of a laser in the second degree (section 4  
6 of this act); and

7 (38) Unlawful discharge of a laser in the third degree (section 5  
8 of this act).

9 NEW SECTION. Sec. 8. Sections 2 through 6 of this act constitute  
10 a new chapter in Title 9A RCW.

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