

CERTIFICATION OF ENROLLMENT

SUBSTITUTE HOUSE BILL 2086

56th Legislature
1999 Regular Session

Passed by the House March 11, 1999
Yeas 96 Nays 0

Speaker of the House of Representatives

Speaker of the House of Representatives

Passed by the Senate April 8, 1999
Yeas 35 Nays 12

President of the Senate

Approved

Governor of the State of Washington

CERTIFICATE

We, Dean R. Foster and Timothy A. Martin, Co-Chief Clerks of the House of Representatives of the State of Washington, do hereby certify that the attached is **SUBSTITUTE HOUSE BILL 2086** as passed by the House of Representatives and the Senate on the dates hereon set forth.

Chief Clerk

Chief Clerk

FILED

**Secretary of State
State of Washington**

SUBSTITUTE HOUSE BILL 2086

Passed Legislature - 1999 Regular Session

State of Washington

56th Legislature

1999 Regular Session

By House Committee on Criminal Justice & Corrections (originally sponsored by Representatives Esser, Carrell, O'Brien, Constantine, Lovick, Schindler and Anderson)

Read first time 03/02/1999.

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 and harass. This creates an especially
9 serious problem for law enforcement officers who reasonably believe
10 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 negatively
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 negatively 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 negatively 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 negatively 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 negatively 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 negatively
5 affecting the bus driver.

6 (2) Except as provided in section 5 of this act, unlawful discharge
7 of a laser in the first degree is a class C 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 negatively
16 affecting the driver; or

17 (b) At a 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; or

20 (c) At a person in order to intimidate or threaten that person.

21 (2) Except as provided in section 5 of this act, unlawful discharge
22 of a laser in the second degree is a gross misdemeanor.

23 NEW SECTION. **Sec. 5.** Unlawful discharge of a laser in the first
24 degree or second degree is a civil infraction if committed by a
25 juvenile who has not before committed either offense. The monetary
26 penalty imposed upon a juvenile may not exceed one hundred dollars.

27 NEW SECTION. **Sec. 6.** This chapter does not apply to the conduct
28 of a laser development activity by or on behalf of the United States
29 armed forces.

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

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

34 (1) Harassment (RCW 9A.46.020);

35 (2) Malicious harassment (RCW 9A.36.080);

1 (3) Telephone harassment (RCW 9.61.230);
2 (4) Assault in the first degree (RCW 9A.36.011);
3 (5) Assault of a child in the first degree (RCW 9A.36.120);
4 (6) Assault in the second degree (RCW 9A.36.021);
5 (7) Assault of a child in the second degree (RCW 9A.36.130);
6 (8) Assault in the fourth degree (RCW 9A.36.041);
7 (9) Reckless endangerment (RCW 9A.36.050);
8 (10) Extortion in the first degree (RCW 9A.56.120);
9 (11) Extortion in the second degree (RCW 9A.56.130);
10 (12) Coercion (RCW 9A.36.070);
11 (13) Burglary in the first degree (RCW 9A.52.020);
12 (14) Burglary in the second degree (RCW 9A.52.030);
13 (15) Criminal trespass in the first degree (RCW 9A.52.070);
14 (16) Criminal trespass in the second degree (RCW 9A.52.080);
15 (17) Malicious mischief in the first degree (RCW 9A.48.070);
16 (18) Malicious mischief in the second degree (RCW 9A.48.080);
17 (19) Malicious mischief in the third degree (RCW 9A.48.090);
18 (20) Kidnapping in the first degree (RCW 9A.40.020);
19 (21) Kidnapping in the second degree (RCW 9A.40.030);
20 (22) Unlawful imprisonment (RCW 9A.40.040);
21 (23) Rape in the first degree (RCW 9A.44.040);
22 (24) Rape in the second degree (RCW 9A.44.050);
23 (25) Rape in the third degree (RCW 9A.44.060);
24 (26) Indecent liberties (RCW 9A.44.100);
25 (27) Rape of a child in the first degree (RCW 9A.44.073);
26 (28) Rape of a child in the second degree (RCW 9A.44.076);
27 (29) Rape of a child in the third degree (RCW 9A.44.079);
28 (30) Child molestation in the first degree (RCW 9A.44.083);
29 (31) Child molestation in the second degree (RCW 9A.44.086);
30 (32) Child molestation in the third degree (RCW 9A.44.089);
31 (33) Stalking (RCW 9A.46.110);
32 (34) Residential burglary (RCW 9A.52.025); ((and))
33 (35) Violation of a temporary or permanent protective order issued
34 pursuant to chapter 9A.46, 10.14, 10.99, 26.09, or 26.50 RCW;
35 (36) Unlawful discharge of a laser in the first degree (section 3
36 of this act); and
37 (37) Unlawful discharge of a laser in the second degree (section 4
38 of this act).

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

--- **END** ---