
Public Safety Committee

HB 1394

Brief Description: Concerning unlawful discharge of a laser offenses.

Sponsors: Representatives Young, Chase and Sutherland.

Brief Summary of Bill

- Makes it a class A felony to knowingly and maliciously discharge a laser at a person and cause any form of full or partial visual or ophthalmic degradation to one or both eyes.
- Establishes a five-year sentencing enhancement for committing the offense against a law enforcement officer acting in the course of his or her duties.

Hearing Date: 2/11/21

Staff: Kelly Leonard (786-7147).

Background:

Crimes Applicable to Malicious Discharge of a Laser.

Different offenses may apply when a person discharges a laser for the purpose of causing harm or disrupting public services.

Unlawful Discharge of a Laser. A person commits Unlawful Discharge of a Laser in the first degree if he or she knowingly and maliciously discharges a laser, under circumstances not amounting to Malicious Mischief in the first degree, at any law enforcement officer, pilot, firefighter, transit operator, or school bus operator in such a manner so as to interrupt or impair certain public services, or, also in the context of a law enforcement officer, causes the officer to

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believe that he or she is targeted with a laser sighting device or system.

Unlawful Discharge of a Laser in the second degree applies if the person did not interrupt or impair certain public services but otherwise caused a substantial risk of interruptions or impairments. In addition, a person commits the second degree offense if he or she knowingly and maliciously discharges a laser at any person operating a motor vehicle, causing an impairment of the safety or operation of a motor vehicle by negatively affecting the driver, or discharges a laser at a person in order to intimidate or threaten that person.

Unlawful Discharge of a Laser in the first degree is a class C felony and an unranked offense. Unlawful Discharge of a Laser in the second degree is a gross misdemeanor. However, either offense is a civil infraction if committed by a juvenile who has not previously committed the offense.

Assault. Assault is a criminal offense, and the nature of the assault and the harm caused to the victim determine the degree of the offense. There are numerous grounds upon which assault may be proven. In this context, Assault in the first degree is committed if a person, with intent to inflict great bodily harm, assaults another and inflicts great bodily harm. "Great bodily harm" means bodily injury that creates a probability of death, or that causes significant serious permanent disfigurement, or that causes a significant permanent loss or impairment of the function of any bodily part or organ. Assault in the second degree is committed if a person intentionally assaults another and thereby recklessly inflicts substantial bodily harm. "Substantial bodily harm" means bodily injury that involves a temporary but substantial disfigurement, or that causes a temporary but substantial loss or impairment of the function of any bodily part or organ, or that causes a fracture of any bodily part. Assault in the third degree is committed if a person, with criminal negligence, causes bodily harm to another person by means of a weapon or other instrument or thing likely to produce bodily harm; or assaults a law enforcement officer or other employee of a law enforcement agency who was performing his or her official duties at the time of the assault.

Assault in the first degree is a class A felony and seriousness level XII offense. Assault in the second degree is a class B felony and seriousness level IV offense. Assault in the third degree is a class C felony and seriousness level III offense.

Sentencing.

Crimes are classified as misdemeanors, gross misdemeanors, or felonies. The classification of a crime generally determines the maximum term of confinement and/or fine for an offense. For each classification, the maximum terms of confinement and maximum fines are as follows:

<u>Classification</u>	<u>Maximum Confinement</u>	<u>Maximum Fine</u>
Misdemeanor	90 days	\$1,000
Gross Misdemeanor	364 days	\$5,000
Class C Felony	5 years	\$10,000
Class B Felony	10 years	\$20,000
Class A Felony	Life	\$50,000

When a person is convicted of a felony, the Sentencing Reform Act (SRA) applies and determines a specific range of sentence within the statutory maximum. Ranges are determined by a sentencing grid. The sentencing grid provides a standard range of months for the sentence, based on both the severity, or "seriousness level," of the offense and the convicted person's "offender score," which is based on the offender's criminal history. Seriousness levels range from I to XVI. Offender scores can range from zero to nine or more points. A higher seriousness level or offender score results in a longer sentence. If a felony does not have a seriousness level under the SRA, it is considered an "unranked" offense and the maximum term of confinement is one year.

Additional factors and sentencing provisions may increase or decrease a sentence, including, for example, aggravating and mitigating factors, and statutory sentencing enhancements. Statutory sentencing enhancements add a specified amount of confinement time to an offender's base sentence in qualifying cases.

Serious Violent Offenses.

Certain offenses are designated as "violent offenses" or "serious violent offenses" under the SRA. Violent offenses include any class A felony as well as other designated offenses. Serious violent offenses, a subcategory of violent offenses, include Aggravated Murder in the first degree, Assault in the first degree, Assault of a Child in the first degree, Homicide by Abuse, Kidnapping in the first degree, Manslaughter in the first degree, Murder in the first and second degree, and Rape in the first degree.

Being charged or convicted of a serious violent offense carries distinct consequences. This includes, for example:

- transferring a juvenile who commits the offense to adult court where he or she would be subject to sentencing requirements under the SRA, rather than juvenile sentencing standards;
- possible consecutive sentences for multiple offenses;
- possible changes to calculating the offender score for the present offense as well as future offenses, including triple and double scoring;
- reduced administrative earned time for possible early release (reduced from one-third of the sentence to 10 percent of the sentence); and
- expanded term of community custody under the supervision of the Department of Corrections.

Summary of Bill:

Unlawful Discharge of a Laser in the first and second degree are reclassified as second and third degree offenses, and a new first degree offense is established.

A person commits Unlawful Discharge of a Laser in the first degree if he or she knowingly and maliciously discharges a laser at a person and as a result causes any form of full or partial visual or ophthalmic degradation to one or both eyes of that person. Unlawful discharge of a Laser in the first degree is a class A felony and a seriousness level XI offense. The offense is also classified as a serious violent offense under the SRA.

An additional five years must be added to the standard sentence range for a Unlawful Discharge of a Laser in the first degree if the offense was committed against a law enforcement officer or other employee of a law enforcement agency who was acting in the course of his or her duties at the time of the offense.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.