

ASSEMBLY BILL NO. 541—COMMITTEE ON JUDICIARY

(ON BEHALF OF ASSEMBLYMAN NOLAN)

MARCH 15, 1999

Referred to Committee on Judiciary

SUMMARY—Prohibits certain acts relating to sale, distribution, possession or use of laser pointers. (BDR 15-1597)

FISCAL NOTE: Effect on Local Government: Yes.
Effect on the State or on Industrial Insurance: No.

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EXPLANATION – Matter in ***bolded italics*** is new; matter between brackets ~~for omitted material~~ is material to be omitted.

AN ACT relating to crimes; prohibiting certain acts relating to the sale, distribution, possession or use of laser pointers; providing penalties; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE
AND ASSEMBLY, DO ENACT AS FOLLOWS:

- 1 **Section 1.** Chapter 202 of NRS is hereby amended by adding thereto
2 the provisions set forth as sections 2 to 6, inclusive, of this act.
- 3 **Sec. 2.** *As used in sections 2 to 6, inclusive, of this act “laser*
4 *pointer” means any device that emits light amplified by the stimulated*
5 *emission of radiation that is visible to the human eye.*
- 6 **Sec. 3. 1.** *A person shall not sell, distribute or offer to sell or cause*
7 *any other person to sell, distribute or offer to sell a laser pointer to a*
8 *child under the age of 18 years.*
- 9 **2.** *A person who offers laser pointers for sale to the public shall keep*
10 *the laser pointers in a cabinet or display case that is not accessible to the*
11 *public without the assistance of the person or an employee or agent of*
12 *the person unless:*
- 13 **(a)** *The laser pointers are clearly and fully visible from a place of*
14 *payment for goods or services or information for customers at which the*
15 *person or an employee or agent of the person is usually present during*
16 *regular business hours; or*

1 **(b) The laser pointers are in a package that originated with the**
2 **manufacturer, importer or packager of the laser pointers and which is**
3 **larger than 41 square inches.**

4 **3. A person who offers laser pointers for sale to the public shall not**
5 **display laser pointers or post a sign advertising the availability of laser**
6 **pointers unless he has posted a notice indicating that selling, distributing**
7 **or offering to sell or causing any other person to sell, distribute or offer**
8 **to sell a laser pointer to a child under the age of 18 years is a**
9 **misdemeanor.**

10 **4. A person who violates the provisions of this section is guilty of a**
11 **misdemeanor, and shall be punished:**

12 **(a) For the first offense within 2 years, by a fine of not more than**
13 **\$300;**

14 **(b) For the second offense within 2 years, by a fine of not more than**
15 **\$500; and**

16 **(c) For the third or subsequent offense within 2 years, by a fine of not**
17 **more than \$1,000.**

18 **Sec. 4. 1. Except as otherwise provided in subsection 3, a person**
19 **under the age of 20 years shall not possess a laser pointer on the property**
20 **of a public or private school or on a school bus.**

21 **2. Except as otherwise provided in subsection 4, a child under the**
22 **age of 18 years shall not possess a laser pointer in any public place.**

23 **3. A person who is under the age of 20 years may possess a laser**
24 **pointer on the property of a public or private school or on a school bus if**
25 **he possesses the laser pointer for a valid purpose related to education,**
26 **school or employment and he uses the laser pointer only under the**
27 **supervision of a person employed by the school or his employer.**

28 **4. A child who is under the age of 18 years may possess a laser**
29 **pointer while in a public place if he possesses the laser pointer for a valid**
30 **purpose related to his employment during the hours of his employment**
31 **and he uses the laser pointer only under the supervision of his employer.**

32 **5. A person who violates the provisions of subsection 1 is guilty of a**
33 **misdemeanor.**

34 **6. A child who violates the provisions of subsection 1 or 2 commits a**
35 **delinquent act.**

36 **7. It is an affirmative defense to an offense charged pursuant to:**

37 **(a) Subsection 1 that the person was traveling to or from school**
38 **premises where the laser pointer would be or was used for a valid**
39 **purpose related to education, school or employment and under the**
40 **supervision of a person employed by the school or his employer, if the**
41 **person has not turned on the laser pointer or displayed it in a menacing**
42 **or threatening manner; and**

1 **(b) Subsection 2 that the child was traveling to or from his place of**
2 **employment where the laser pointer would be or was used for a valid**
3 **purpose related to his employment during the hours of his employment**
4 **and under the supervision of his employer, if the child has not turned on**
5 **the laser pointer or displayed it in a menacing or threatening manner.**

6 **8. As used in this section, "school bus" has the meaning ascribed to**
7 **it in NRS 483.160.**

8 **Sec. 5. 1. Except as otherwise provided in subsection 2, a person**
9 **shall not direct light emitted from a laser pointer into or through a public**
10 **place.**

11 **2. A person who is 19 years of age or older may direct light emitted**
12 **from a laser pointer into or through a public place if he directs the light**
13 **for a valid purpose related to his employment during the hours of his**
14 **employment.**

15 **3. A person who violates the provisions of this section is guilty of a**
16 **misdemeanor.**

17 **Sec. 6. 1. A person shall not direct light emitted from a laser**
18 **pointer at a uniformed peace officer, security guard, traffic officer,**
19 **fireman, emergency medical attendant or ambulance driver or attendant.**

20 **2. A person who violates the provisions of this section is guilty of a**
21 **misdemeanor.**

22 **3. As used in this section:**

23 **(a) "Emergency medical attendant" has the meaning ascribed to it in**
24 **NRS 41.139.**

25 **(b) "Security guard" has the meaning ascribed to it in NRS 648.016.**

26 **Sec. 7. The amendatory provisions of this act do not apply to offenses**
27 **that were committed before October 1, 1999.**