

Department of Legislative Services  
Maryland General Assembly  
2018 Session

FISCAL AND POLICY NOTE  
Third Reader - Revised

House Bill 125  
Judiciary

(Delegate Fisher, *et al.*)

Judicial Proceedings

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Criminal Law - Misuse of Laser Pointer

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This bill expands the existing prohibition on misuse of a laser pointer under § 3-807 of the Criminal Law Article by prohibiting a person from knowingly and willfully shining, pointing, or focusing the beam of a laser pointer on an individual operating a motor vehicle or a vessel. Violators are guilty of a misdemeanor, punishable by the existing statutory penalties of imprisonment for up to three years and/or a \$2,500 maximum fine.

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Fiscal Summary

**State Effect:** Given the few number of cases likely to be brought as a result of the bill, the bill is not expected to materially affect State finances.

**Local Effect:** Given the few number of cases likely to be brought as a result of the bill, the bill is not expected to materially affect local finances.

**Small Business Effect:** None.

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Analysis

**Current Law:** A “laser pointer” is a device that emits light amplified by the stimulated emission of radiation that is visible to the human eye. Under § 3-807 of the Criminal Law Article, a person may not knowingly and willfully shine, point, or focus the beam of a laser pointer on an individual operating an aircraft. Violators are guilty of a misdemeanor, punishable by imprisonment for up to three years and/or a \$2,500 maximum fine.

The prohibition does not apply to the use of a laser pointer by (1) an individual conducting research and development or flight testing for an aircraft manufacturer or the Federal

Aviation Administration (FAA); (2) a member of the U.S. Department of Defense or the U.S. Department of Homeland Security acting in an official capacity during an activity related to research and development, flight testing, or training; (3) a law enforcement officer acting in an official capacity; (4) an individual attempting to make the individual's location known; or (5) an individual attempting to give a warning signal.

Under § 3-806 of the Criminal Law Article, a person may not knowingly use a laser pointer to illuminate another person in a public place in a manner that harasses or endangers the other person. Violators are guilty of a misdemeanor punishable by a fine of up to \$500.

The prohibition does not apply to use of a laser pointer (1) for educational purposes by individuals engaged in an organized meeting or training class or (2) during the normal course of work or trade activities.

**Background:** In January 2017, a Sykesville man was charged with multiple offenses, including misuse of a laser pointer aimed at an aircraft, after he allegedly pointed a green laser pointer at a Maryland State Police helicopter. Both the pilot and crew chief sustained eye injuries as a result of the incident.

According to [laserpointersafety.com](http://laserpointersafety.com), a website dedicated to the responsible use of lasers and laser pointers, FAA received 6,071 reports of laser illuminations of aircraft during the first 11 months of 2017, 7,442 reports of laser illuminations of aircraft during 2016, and 7,703 reports during 2015.

Under federal law, aiming the beam of a laser pointer at an aircraft is a crime punishable by imprisonment for up to five years and/or a fine of up to \$250,000. In June 2011, FAA announced that it would impose civil penalties of up to \$11,000 against individuals who point lasers at cockpits.

According to the Judiciary, there was one violation of § 3-807 of the Criminal Law Article (misuse of a laser pointer aimed at an aircraft) and no violations of § 3-806 (misuse of a laser pointer – public place) filed in the District Court during fiscal 2017. The Maryland State Commission on Criminal Sentencing Policy did not receive information for any individuals being sentenced in the State's circuit courts for a violation of § 3-807 during fiscal 2017. The Division of Parole and Probation advises that it did not conduct any intakes for individuals sentenced to probation for violating § 3-807.

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## Additional Information

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** Maryland State Commission on Criminal Sentencing Policy; Judiciary (Administrative Office of the Courts); Office of the Public Defender; Maryland State's Attorneys' Association; Department of Public Safety and Correctional Services; *Carroll County Times*; WTOP.com; laserpointersafety.com; Department of Legislative Services

**Fiscal Note History:** First Reader - January 19, 2018  
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