

Pub. Imp. \_\_\_\_\_  
Govt. Grnt. \_\_\_\_\_  
Emer. \_\_\_\_\_  
P. Hrngs. \_\_\_\_\_  
Pgs. 5  
Filed: 2-23-99

Sponsored by: Gannaway Rhodes

First Reading: February 16, 1999  
AMENDED  
COUNCIL BILL NO. 99 - 61

Second Reading: March 4, 1999  
GENERAL ORDINANCE NO. 4780

AN ORDINANCE

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AMENDING Chapter 26, Offenses and Miscellaneous Provisions, of the Springfield City Code, Article IV, Offenses Against Public Peace, by adding one new Section pertaining to the use of Laser pointers in certain circumstances and providing for penalties.

WHEREAS, the Federal Drug Administration has issued a warning on the misuse of laser pointers; and

WHEREAS, Princeton University has issued a laser point advisory and safety recommendations for laser pointers which detail the risk of injuries from a laser beam, including temporary flash blindness, headaches, after images, and glare; and

WHEREAS, laser beams projected into air space have caused distraction and temporary vision impairment to pilots; and

WHEREAS, law enforcement personnel can mistake a laser beam for light from a gun sight and unnecessarily draw a weapon; and

WHEREAS, the United Kingdom has banned the sale and use of laser pointers with the exception of low powered Class 2 laser pointers; and

WHEREAS, the City Council has determined that the use of laser pointers within the City can cause serious damage and should be regulated.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SPRINGFIELD, MISSOURI, as follows:

Section 1 - That Chapter 26 of the Springfield City Code, Offenses and Miscellaneous Provisions, Article IV, Offenses Against Public Peace, Section 26-43, Laser pointers, shall read as follows:

/

39 "Sec. 26.43. Laser pointers.  
40

41 (a) Illumination of persons, animals, or objects prohibited.  
42 It shall be unlawful for any person to focus, point, or shine a  
43 laser beam in such a manner that the laser beam illuminates on any  
44 person, animal, vehicle, building, or residence, except for a  
45 lawful purpose such as surveying, or by a law enforcement officer  
46 in the performance of his or her duties.  
47

48 (b) Possession by any person under the age of eighteen (18)  
49 prohibited. It shall be unlawful for any person under the age of  
50 eighteen (18) to possess a laser pointer except in the person's  
51 residence or when the laser pointer is temporarily transferred  
52 under direct supervision of a person over eighteen (18) years of  
53 age for educational or other lawful purposes.  
54

55 (c) Sale to persons under the age of eighteen (18) Prohibited.  
56 It shall be unlawful for any person to sell, offer to sell, lease,  
57 give, or otherwise provide a laser pointer to a person under the  
58 age of eighteen (18).  
59

60 (d) The parent or legal guardian of an unemancipated minor,  
61 defined as a person under the age of seventeen (17) who resides  
62 with the parent or legal guardian, shall be in violation of this  
63 section if the parent or legal guardian allows the minor to possess  
64 the device in violation of section (b), or the minor uses the  
65 device in violation of section (a) and the parent or legal guardian  
66 knew the minor was either in possession of the device in violation  
67 of section (b), or the violation of section (a) occurred in the  
68 presence of the parent or legal guardian.  
69

70 For purposes of this section, a laser pointer is any device which  
71 emits a laser light beam that is designed to be used by the  
72 operator as a pointer or highlighter to indicate, mark or identify  
73 a specific person, position, item or object."  
74

75 Section 2 - Penalty Clause. Any person found guilty of  
76 violating this ordinance shall be penalized in accordance with  
77 Section 1-7 of the Springfield City Code.  
78

79 Section 3 - Severability Clause. If any section,  
80 subsection, sentence, clause or phrase of this ordinance is for any  
81 reason held to be invalid, such decision shall not affect the  
82 validity of the remaining portions of this ordinance. The Council  
83 hereby declares that it would have adopted the ordinance and each  
84 section, subsection, sentence, clause or phrase thereof,  
85 irrespective of the fact that any one or more sections,  
86 subsections, sentences, clauses, or phrases be declared invalid.  
87

88 Section 4 - Savings Clause. Nothing in this ordinance  
89 shall be construed to affect any suit or proceeding now pending in  
90  
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93 any court or any rights acquired or liability incurred nor any  
94 cause or causes of action occurred or existing, under any act or  
95 ordinance repealed hereby. Nor shall any right or remedy of any  
96 character be lost, impaired, or affected by this ordinance.  
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100 Passed at meeting: March 1, 1999

101  
102 Donald L. Gurnaway  
103  
104 Mayor

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106  
107 Attest: Brend M. Galt, City Clerk

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110 Approved as to form: [Signature], City Attorney

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113 Approved for Council action: [Signature], City Manager

Aff. Agcy. Noticed \_\_\_\_\_  
Emergency Required \_\_\_\_\_  
P. Hrngs. Required \_\_\_\_\_  
Fiscal Note Required \_\_\_\_\_  
Board Rec. Required \_\_\_\_\_

EXPLANATION TO AMENDED COUNCIL BILL NO. 99 - 61

ORIGINATING DEPARTMENT: Law

PURPOSE: To amend Chapter 26, Offenses and Miscellaneous Provisions, of the Springfield City Code, Article IV, Offenses Against Public Peace, by adding section 29, restricting the use of laser pointers and providing penalties.

BACKGROUND: On December 18, 1997, the Food and Drug Administration issued a warning as to the use of laser pointers (P97-45). The warning was issued in response to price reductions and marketing that promoted laser pointers as children's toys. FDA Lead Deputy Commissioner Michael A. Friedman, M.D. asserted, "These laser pointers are not toys. Parents should treat them with appropriate care. They are useful tools for adults that should be used by children only with adequate supervision."

When used improperly, laser pointers present a danger that includes, but is not limited to, damage to the eye. A Princeton University study concluded that, "the laser beam may cause temporary flashblindness, headaches, afterimages, or glare." Motor vehicle operators, pilots, and others involved in sight-sensitive operations have been victims of accidents and hazards resulting from loss of concentration after being flashed. In addition, uniformed law enforcement officers have drawn their weapons in response to a perceived threat when being "dotted", and citizens have been harassed by unwanted and undesired laser beam contact.

Local abuses have occurred. Battlefield Mall Security and Management approached the City about an ordinance restricting the use of laser lights after a mall security officer experienced sharp pain and temporarily blurred vision in his eye after being flashed. The Springfield Police Department supports such an ordinance, having received numerous complaints and inquiries concerning the improper use of laser pointers. One case involves a local law enforcement officer's spouse who was verbally abused and ultimately terrorized when she saw a red dot in her car and assumed she was being targeted with a weapon. Another offense includes a three-car collision, where a young man pointed a laser light into the car ahead of him and startled the driver, causing him to slam on his brakes and create a pileup.

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REMARKS: This bill would restrict the use of laser pointers and provide penalties.

This bill is identical to the original bill except that pursuant to Mayor Gannaway's motion, the age has been amended from twenty-one (21) to eighteen (18).

Submitted by:

  
\_\_\_\_\_  
City Attorney

Approved by:

  
\_\_\_\_\_  
City Manager

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