

SENATE BILL NO. 154

January 27, 1999, Introduced by Senator ROGERS and referred to the Committee on Families, Mental Health and Human Services.

A bill to prohibit the selling, giving, or furnishing of laser pointers or laser pen lights to minors; to prohibit the purchase or use of laser pointers or laser pen lights by minors; to regulate the retail sale of laser pointers or laser pen lights; to prescribe penalties; and to prescribe the powers and duties of certain state agencies and departments.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. This act shall be known and may be cited as the
2 "youth laser pointer act".

3 Sec. 2. (1) A person shall not sell, give, or furnish a
4 laser pointer or laser pen light to a person under 18 years of
5 age. A person who violates this section is guilty of a misde-
6 meanor, punishable by a fine of not more than \$50.00 for each
7 offense.

1 (2) It is an affirmative defense to a charge pursuant to
2 subsection (1) that the defendant had in force at the time of
3 arrest and continues to have in force a written policy to prevent
4 the sale of laser pointers and laser pen lights to persons under
5 18 years of age, and that the defendant enforced and continues to
6 enforce the policy. A defendant who proposes to offer evidence
7 of the affirmative defense described in this subsection shall
8 file and serve notice of the defense, in writing, upon the court
9 and the prosecuting attorney. The notice shall be served not
10 less than 14 days before the date set for trial.

11 (3) A prosecuting attorney who proposes to offer testimony
12 to rebut the affirmative defense described in subsection (2)
13 shall file and serve a written notice of rebuttal upon the court
14 and the defendant. The notice shall be served not less than 7
15 days before the date set for trial and shall contain the name and
16 address of each rebuttal witness.

17 Sec. 3. (1) A person under 18 years of age shall not pur-
18 chase or attempt to purchase a laser pointer or laser pen light,
19 or receive or attempt to receive a laser pointer or laser pen
20 light, or possess or attempt to possess a laser pointer or laser
21 pen light in a public place, or use or attempt to use a laser
22 pointer or laser pen light in a public place, or direct or
23 attempt to direct the beam of a laser pointer or laser pen light
24 into a public place.

25 (2) A person who violates subsection (1) is guilty of a mis-
26 demeanor, punishable by a fine of not more than \$50.00 for each
27 offense.

1 (3) It is an affirmative defense to a charge pursuant to
2 subsection (1) of possession or use of a laser pointer or laser
3 pen light in a public place that the defendant possessed or used
4 the laser pointer or laser pen light in a public place solely for
5 valid instructional or occupational use. A defendant who pro-
6 poses to offer evidence of the affirmative defense described in
7 this subsection shall file and serve notice of the defense, in
8 writing, upon the court and the prosecuting attorney. The notice
9 shall be served not less than 14 days before the date set for
10 trial.

11 (4) A prosecuting attorney who proposes to offer testimony
12 to rebut the affirmative defense described in subsection (3)
13 shall file and serve a written notice of rebuttal upon the court
14 and the defendant. The notice shall be served not less than 7
15 days before the date set for trial and shall contain the name and
16 address of each rebuttal witness.

17 (5) For purposes of this section, "public place" means a
18 public street, sidewalk, park, property, building, structure,
19 facility, or place of business, including but not limited to
20 those owned, operated, or occupied by this state or a public
21 agency, college or university, school or school district, author-
22 ity, or other political subdivision in this state.