

Summary Offences (Possession of Hand-held Lasers) Amendment Bill

Member's Bill

Explanatory note

General policy statement

The aim of this Bill is to have a preventative impact. Currently, there are no laws in New Zealand to govern the possession of hand-held lasers in a public place even though, just like knives, for which legislation governing their possession in a public place exists under section 13A of the Summary Offences Act 1981, hand-held lasers can, potentially, be used as offensive weapons.

While hand-held laser pointers are used appropriately by teachers and lecturers to highlight or point to an area on a screen when teaching, there are some who use these devices in an inappropriate manner. Indiscriminate use of hand-held lasers has become a major problem worldwide. Exposure to a laser beam can cause temporary or permanent blindness. This is of particular concern when a laser is used against a moving vehicle or an aircraft at night, as the short-lived flash blindness could cause momentary loss of control and subsequent crash of the vehicle or aircraft. This year there have been 16 incidents, in New Zealand alone, of laser beams being shone into an aircraft cockpit. When an offender is apprehended actually using a laser against a moving vehicle or aircraft that person can be prosecuted under section 270 of the Crimes Act 1961.

The purpose of this Bill is to have a preventative impact and make it an offence for a person to have in his or her possession a hand-held laser, in a public place, without reasonable excuse. The Bill also gives the police the power to confiscate lasers found in possession of a person in a public place.

Clause by clause analysis

Clause 1 is the Title clause.

Clause 2 provides that the Bill is to come into force on the day after the date on which it receives the Royal assent.

Clause 3 provides that the Bill amends the Summary Offences Act 1981 (the **Principal Act**).

Clause 4 inserts a new *section 13B* that makes it an offence for a person to have a hand-held laser in his or her possession in a public place without reasonable excuse and provides the police with the power to seize and retain that hand-held laser.

Dr Cam Calder

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Contents

	Page
1 Title	1
2 Commencement	1
3 Principal Act	2
4 New Section 13B inserted (Possession of hand-held lasers)	2
13B Possession of hand-held lasers	2

The Parliament of New Zealand enacts as follows:

- 1 Title**
This Act is the Summary Offences (Possession of Hand-held Lasers) Amendment Act **2012**.

- 2 Commencement** 5
This Act comes into force on the day after the date on which it receives the Royal assent.

3 Principal Act

This Act amends the Summary Offences Act 1981 (the **principal Act**).

4 New Section 13B inserted (Possession of hand-held lasers)

After section 13A, insert:

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“13B Possession of hand-held lasers

“(1) Every person is liable to imprisonment for a term not exceeding 3 months or a fine not exceeding \$2,000 who, in any public place, without reasonable excuse, has any hand-held laser in his or her possession.

10

“(2) Any constable may without warrant seize and detain any hand-held laser which there is reasonable ground to suppose is in contravention of **subsection (1)**.

“(3) On convicting any person of an offence against **subsection (1)**, the court may order that the hand-held laser be forfeited to the Crown.

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“(4) In this section **hand-held laser** means any hand-held device, designed or adapted to emit a laser beam.”