

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

Member's Bill

As reported from the Transport and Industrial Relations Committee

## **Commentary**

### **Recommendation**

The Transport and Industrial Relations Committee has examined the Summary Offences (Possession of Hand-held Lasers) Amendment Bill and recommends that it be passed with the amendments shown.

### **Introduction**

The Summary Offences (Possession of Hand-held Lasers) Amendment Bill seeks to amend the Summary Offences Act 1981, to make it an offence for a person to possess a hand-held laser in a public place without reasonable excuse, and to empower police to seize and retain any such laser.

The bill as introduced defines a hand-held laser as any hand-held device designed or adapted to emit a laser beam.

### **Name of the bill**

We recommend changing the name of the bill to refer more accurately to the type of laser it seeks to control. An amendment to re-title the bill “Summary Offences (Possession of High-power Laser Pointers) Amendment Bill” would reflect our recommended change to the definition of the devices covered, and thus avoid any confusion about the bill’s applicability.

### **Commencement date**

We recommend amending the start date so that the legislation would come into force 28 days after the date on which it received Royal assent. This would provide the public with reasonable notice of the law change.

### **Seizure of lasers**

We recommend deleting the seizure provision in clause 4, section 13B(2). It is not necessary, as seizure powers are available to police under the Search and Surveillance Act 2012.

### **Definition of hand-held laser**

We consider that the definition of “hand-held laser” proposed in clause 4, section 13B(4) is too broad. In order to provide certainty and clarity for the police, for the courts, and for people wanting to own such devices, we recommend an amendment to adopt the definition of “high-power laser pointers” in the Customs Import Prohibition (High-power Laser Pointers) Order 2013. Adopting this definition, which includes all devices with a power output of greater than 1 milliwatt, would ensure consistency with other legislation, such as the Health (High-power Laser Pointers) Regulations 2013.

We recommend consequential replacement of the phrase “hand-held laser” wherever it occurs in the bill with “high-power laser pointer”.

## **Appendix**

### **Committee process**

The Summary Offences (Possession of Hand-held Lasers) Amendment Bill was referred to the committee on 25 September 2013. The closing date for submissions was 7 November 2013. We received and considered seven submissions from interested groups and individuals. We heard three submissions.

We received advice from the Ministry of Transport and the Ministry of Justice.

### **Committee membership**

David Bennett (Chairperson)

Chris Auchinvole

Carol Beaumont

Dr Cam Calder

Darien Fenton

Andrew Little

Simon O'Connor

Denise Roche

Mike Sabin

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

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**Key to symbols used in reprinted bill**

**As reported from a select committee**

text inserted unanimously

~~text deleted unanimously~~

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*Dr Cam Calder*

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Member's Bill

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**The Parliament of New Zealand enacts as follows:**

- 1 Title**  
This Act is the Summary Offences (Possession of ~~Hand-held Lasers~~ High-power Laser Pointers) Amendment Act **2012**.
- 2 Commencement** 5  
This Act comes into force on the day that is 28 days 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 high-power laser pointers)**

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After section 13A, insert:

**“13B Possession of hand-held lasers high-power laser pointers**

“(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~~ high-power laser pointer 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~~ high-power laser pointer be forfeited to the Crown. 15

“(4) In this section, ~~hand-held laser~~ high-power laser pointer means ~~any hand-held device, designed or adapted to emit a laser beam;~~ a device that,— 20

“(a) in the Director-General of Health’s opinion, is of the kind commonly known as a laser pointer; and

“(b) is battery operated; and

“(c) is designed or intended to be operated while held in the hand; and 25

“(d) produces a coherent beam of optical radiation of low divergence; and

“(e) has a power output of greater than 1 milliwatt.”



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Lasers) Amendment Bill**

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**Legislative history**

15 November 2012  
25 September 2013

Introduction (Bill 88–1)  
First reading and referral to Transport and Industrial  
Relations Committee

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