

Laser Pointers

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Throughout this past year, incidents where commercially sold laser pointers are being illegally used have increased significantly in the coastal area of Myrtle Beach. These incidents, whether involved in pointing at an aircraft or at an individual can cause not only injury to the individual and/or aircraft personnel but cause significant loss in man hours. This loss of man hours could result in the diversion from an emergency situation.

In addition, this activity is against the law. Retail business owners and operators need to be aware that selling such items to minors within the City of Myrtle Beach is illegal. Also, use of this item in the described manner is also illegal and can result in not only in an ordinance violation but a federal charge. As noted below, I am providing a copy of the city ordinance and the federal chapter. Should you have any questions in reference to this activity, please contact the Myrtle Beach Police Department, Horry County Police Department or the Transportation Security Administration.

Sec. 14-69. - Laser pointers prohibited.

Sec. 14-69.1. - Definitions.

In the ordinance codified in this chapter, the following words and terms shall have these defined meanings:

Laser pointer means any hand-held device containing a small diode laser that is capable of emitting an intense beam of light.

(Ord. No. 2011-52, 9-27-11)

Sec. 14-69.2. - Possession by minors unlawful; exception.

- (a) It shall be unlawful for any minor to possess a laser pointer except within the permanent residence of that minor.
- (b) It shall be unlawful for any person to knowingly sell, offer to sell, lease, give or otherwise provide a laser pointer to a minor, except as otherwise permitted by this section.
- (c) The provisions of subsections (a) and (b) do not apply if:
 - (1) The laser pointer is temporarily transferred to the minor for an educational or other lawful purpose and the minor is under the direct supervision of a parent, legal guardian, teacher, employer or other responsible person eighteen years of age or older; or
 - (2) The minor's possession of the laser pointer is necessary for his or her employment, trade or occupation and it is necessary for the laser pointer to be carried on his or her person.

(Ord. No. 2011-52, 9-27-11)

Sec. 14-69.3. - Prohibited uses; exceptions.

- (a) It shall be unlawful for any person to direct the light from a laser pointer into the eye or eyes of another person from or to public or private property at any time.
- (b) It shall be unlawful for any person to direct the light from a laser pointer upon another person, a person's vehicle, or upon an animal, in such a manner as to unreasonably cause harassment to that person, a motorist, or animal.
- (c) It shall be unlawful for any person to direct the light from a laser pointer at any person or object on public or private beaches, public lands, parks, street, alley or public ways.
- (d) It shall be unlawful for any person to direct the light from a laser pointer at any airplane or helicopter.

(Ord. No. 2011-52, 9-27-11)

Sec. 14-69.4. - Penalty; immediate confiscation.

- (a) Any person violating any of the provisions of this chapter shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished as the law allows for a misdemeanor crime.
- (b) Any laser pointer found upon the person of a minor, or used by any person in a prohibited manner may be immediately seized by law enforcement, and a court of competent jurisdiction shall determine the temporary or permanent nature of the confiscation.

(Ord. No. 2011-52, 9-27-11)

U.S.C. TITLE 18, CHAPTER 2

Sec. 39A. Aiming a Laser Pointer at an Aircraft

- (a) **OFFENSE** -- Whoever knowingly aims the beam of a laser pointer at an aircraft in the special aircraft jurisdiction of the United States, or at the flight path of such an aircraft, shall be fined under this title or imprisoned not more than 5 years, or both.
- (b) **LASER POINTER DEFINED** -- As used in this section, the term 'laser pointer' means any device designed or used to amplify electromagnetic radiation by stimulated emission that emits a beam designed to be used by the operator as a pointer or highlighter to indicate, mark, or identify a specific position, place, item, or object.

- (c) EXCEPTIONS -- This section does not prohibit aiming a beam of a laser pointer at an aircraft, or the flight path of such an aircraft, by—
- (1) An authorized individual in the conduct of research and development or flight test operations conducted by an aircraft manufacturer, the Federal Aviation Administration, or any other person authorized by the Federal Aviation Administration to conduct such research and development or flight test operations.
 - (2) Members or elements of the Department of Defense or Department of Homeland Security acting in an official capacity for the purpose of research, development, operations, testing or training; or
 - (3) By an individual using a laser emergency signaling device to send an emergency distress signal.
- (d) The Attorney General, in consultation with the Secretary of Transportation, may provide by regulation, after public notice and comment, such additional exceptions to this section, as may be necessary and appropriate. The Attorney General shall provide written notification of any proposed regulations under this section to the Committees on the Judiciary of the House and Senate, the Committee on Transportation and Infrastructure in the House, and the Committee on Commerce, Science and Transportation in the Senate not less than 90 days before such regulations become final.