

High-power Laser Pointer Offences and Penalties Bill

Member's Bill

Explanatory note

General policy statement

This Bill amends existing offence provisions and increases penalties for the use and possession of high-power laser pointers as follows:

- section 13B of the Summary Offences Act 1981 is amended to increase the penalty to the highest level otherwise currently existing in that Act (common assault). Also, the requirement for possession to be in a public place is removed, extending the offence to any possession of a high-power laser pointer without reasonable excuse. The offence provision will now include people who have imported or possess a high-power laser pointer but have not yet used it in public. Section 13B(2) is amended to provide that forfeiture of the high-power laser pointer is now a mandatory consequence of conviction:
- *new section 136A* is inserted in the Health Act 1956 to provide higher penalties relating to the breach of regulations under the Health (High-power Laser Pointers) Regulations 2013. This in effect increases the maximum penalty for supply and acquisition from a \$500 fine to the same level available under the Summary Offences Act 1981 for possession:
- section 270 of the Crimes Act 1961 is amended to make explicit that interference with a transport facility includes using a high-power laser pointer to reduce the ability of aircraft crew to perform their duties.

Clause by clause analysis

Clause 1 is the Title clause.

Clause 2 is the commencement clause.

Part 1 — Amendments to Summary Offences Act 1981

Clause 3 provides that Part 1 amends the Summary Offences Act 1981.

Clause 4 amends section 13B of the Summary Offences Act 1981 to increase the penalty for possession of a high-power laser pointer, to extend the offence to possession in any place, and to require mandatory forfeiture of the laser pointer on conviction.

Part 2 — Amendments to Health Act 1956

Clause 5 provides that Part 2 amends the Health Act 1956.

Clause 6 inserts *new section 136A* in the Health Act 1956 to increase the maximum penalty relating to the breach of regulations under the Health (High-power Laser Pointers) Regulations 2013.

Clause 7 amends regulation 12(2) of the Health (High-power Laser Pointers) Regulations 2013 to reference the *new section 136A* inserted by *clause 6*.

Part 3 — Amendment to Crimes Act 1961

Clause 8 provides that Part 3 amends the Crimes Act 1961.

Clause 9 amends section 270 of the Crimes Act 1961 to clarify that interference with a transport facility includes using a high-power laser pointer to reduce the ability of aircraft crew to perform their duties.

Hamish Walker

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The Parliament of New Zealand enacts as follows:

1 Title

This Act is the High-power Laser Pointer Offences and Penalties Act **2018**.

2 Commencement

This Act comes into force on the day after the date on which it receives the Royal assent.

Part 1**Amendments to Summary Offences Act 1981**

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3 Principal Act

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

4 Section 13B amended (Possession of high-power laser pointers)

- (1) In section 13B(1), replace “3 months” with “6 months”.
- (2) In section 13B(1), replace “\$2,000” with “\$4,000”. 10
- (3) In section 13B(1), delete “, in any public place”.
- (4) In section 13B(2), replace “may” with “must”.

Part 2**Amendments to Health Act 1956****5 Principal Act** 15

This Part amends the Health Act 1956 (the **principal Act**).

6 New section 136A inserted

After section 136, insert:

136A Offence relating to high-power laser pointers

Every person who commits an offence against regulations 4 to 7 of the Health (High-power Laser Pointers) Regulations 2013 is liable on conviction to imprisonment for a term not exceeding 6 months or a fine not exceeding \$4,000. 20

7 Consequential amendment to Health (High-power Laser Pointers) Regulations 2013

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- (1) This section amends the Health (High-power Laser Pointers) Regulations 2013.
- (2) In regulation 12(2), replace “section 136” with “**section 136A**”.

Part 3**Amendment to Crimes Act 1961****8 Principal Act**

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This Part amends the Crimes Act 1961 (the **principal Act**).

9 Section 270 amended (Endangering transport)

After section 270(2), insert:

(3) For the purposes of this section,—

Director-General means the chief executive of the Ministry of Health

interferes includes any use of a high-power laser pointer that lessens the ability of any aircraft crew member to perform that crew member's duties

high-power laser pointer means a device that,—

- (a) in the Director-General'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
- (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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