Ordinance No. 3454

["Beginning July 1, 1998"]

(Amending or Repealing Ordinances)

Repealed by Ord. 3621 (Ch. 9.02)
ORDINANCE NO. 34.54

AN ORDINANCE of the City Council of the City of Kent, Washington, amending the Criminal Code by adding Section 9.02.31 pertaining to pointing or aiming a laser beam;

WHEREAS, laser beams which are improperly directed at a person may cause retinal injury to the eyes of that person; and

WHEREAS, laser beams may resemble the sights used to aim sophisticated weapons, and laser beams which are improperly directed at a person may place that person in substantial fear for his or her safety, and may provoke a substantial defensive attack directed towards the person pointing the laser beam; and

WHEREAS, making the improper pointing and aiming of laser beams a criminal offense will protect the public from injury and fear and will protect the person pointing the laser beam from a defensive attack by another; NOW, THEREFORE,

THE CITY COUNCIL OF THE CITY OF KENT, WASHINGTON, DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. Chapter 9.02 of the Kent City Code is hereby amended by adding a new section, Section 9.02.31 to read as follows:

Sec. 9.02.31. Pointing or aiming a laser beam.
A. It shall be unlawful for any person to focus, point, or shine a laser beam directly or indirectly on another person in such a manner as to harass, annoy, frighten, assault, or
injure said person. For the purposes of this section, a laser beam shall include its common definition as well as a device that concentrates light into a small beam and projects that light for a distance without substantially increasing the diameter of the beam.

B. With the exception of subsections C, D, and E, a violation of subsection A is a misdemeanor.

C. With the exception of subsection E, any person who commits a violation of subsection A while the laser producing instrument is attached to: (1) a firearm; (2) an object that could be used as a weapon; or (3) an object that is designed to appear as a firearm or other object that could be used as a weapon, shall be guilty of a gross misdemeanor.

D. With the exception of subsection E, any person who commits a violation of subsection A by committing that act against a police officer or police official while working in his or her official capacity, a firefighter or fire official while working in his or her official capacity, an emergency medical technician while working in his or her official capacity, a teacher or school official while working in his or her official capacity, or a bus or other transportation employee while working in his or her official capacity, shall be guilty of a gross misdemeanor. A person convicted under this section shall be punished by incarceration for not less than one day in jail which cannot be deferred or suspended.

E. Any person who commits a violation of subsection A by committing that act against a police officer or police official while working in his or her official capacity, a firefighter or fire official while working in his or her official capacity, an emergency medical technician while working in his or her official capacity, a teacher or school official while working in his or her official capacity, or a bus or other transportation employee while working in his or her official capacity while the laser producing instrument is attached to: (1) a firearm; (2) an object that could be used as a weapon; or (3) an object that is designed to appear as a firearm or other object that could be used as a weapon, shall be guilty of a gross misdemeanor. A conviction under this subsection shall be punished by not less than 30 days in jail which cannot be deferred or suspended.
Any person convicted under this subsection shall not be permitted to serve any mandatory incarceration on work release, home detention, or in any manner that permits the mandatory incarceration period to be served outside of the jail facility.

F. An ordinary flashlight shall not be considered a laser beam under this section.

G. It shall be a defense to this section that the person to whom the laser beam was directed consented to the pointing or directing of the laser beam at his or her person.

SECTION 2. - Severability. If any one or more sections, subsections, or sentences of this Ordinance are held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portion of this Ordinance and the same shall remain in full force and effect.

SECTION 3. - Effective Date. This Ordinance shall take effect and be in force thirty (30) days from and after its passage, approval, and publication as provided by law.
PASSED: 4th day of MAY, 1999.

APPROVED: 5th day of MAY, 1999.

PUBLISHED: 7th day of MAY, 1999.

I hereby certify that this is a true copy of Ordinance No. 3454, passed by the City Council of the City of Kent, Washington, and approved by the Mayor of the City of Kent as hereon indicated.

[Signature]

Dona Swaw
CITY CLERK

Donna Swaw
DEPUTY