

**SUBJECT:** Increasing criminal penalty for offense of use of laser pointers

**COMMITTEE:** Homeland Security and Public Safety — committee substitute recommended

**VOTE:** 9 ayes — White, Bowers, Goodwin, Harless, Hefner, E. Morales, Patterson, Schaefer, Tinderholt

0 nays

**WITNESSES:** For — Justin Berry, Austin Police Department; (*Registered, but did not testify*: Jennifer Szimanski and Charley Wilkison, Combined Law Enforcement Associations of Texas; Frederick Frazier, Dallas Police Association/FOP716 State FOP Director; David Sinclair, Game Warden Peace Officers Association; Ray Hunt, HPOU; James Smith, San Antonio Police Department; Jimmy Rodriguez, San Antonio Police Officers Association; Brian Hawthorne, Sheriffs' Association of Texas; Mitch Landry, Texas Municipal Police Association; Julie Campbell; Dee Chambless; Detrese Harkey; Jason Vaughn)

Against — (*Registered, but did not testify*: Sarah Murphy)

On — (*Registered, but did not testify*: Thomas Parkinson)

**BACKGROUND:** Penal Code sec. 42.13 makes it a class C misdemeanor to knowingly direct a light from a laser pointer at a uniformed safety officer, including a peace officer, security guard, firefighter, emergency medical service worker, or other uniformed municipal, state, or federal officer.

Some have called for state law to better protect law enforcement officers from the potential danger of laser pointers.

**DIGEST:** CSHB 2746 would enhance the criminal penalty of an offense of directing a laser pointer at a uniformed safety officer to a third-degree felony (two to 10 years in prison and an optional fine of up to \$10,000) if the conduct caused serious bodily injury to the officer.

If conduct that constituted an offense under Penal Code sec. 42.13 also constituted an offense under any other law, the actor could be prosecuted under either law or both.

The bill would take effect September 1, 2021, and would apply only to an offense committed on or after that date.