A BILL FOR AN ACT

To prohibit the manufacture, sale, purchase, use, or possession of lasers, and for other purposes.

BE IT ENACTED BY THE CONGRESS OF THE FEDERATED STATES OF MICRONESIA:

1 Section 1. Intent. The Congress of the Federated States of Micronesia finds that although many lasers such as laser pointers that are used during educational presentation are safe when used properly, there have been growing numbers of incidents in the Federated States of Micronesia where lasers have been misused. Most people may already be familiar with the harm that lasers can cause when directed at a person’s eye. But there are also other serious consequences resulting from the misuse of lasers when they are used and aimed at an aircraft and obstruct a pilot’s view and flight security and safety. The numbers of lasers being used and pointed at aircrafts in the Federated States of Micronesia and observed by pilots have continued to increase especially in Chuuk and Pohnpei. Due to the gravity of potential harm and damage resulting from the misuse of lasers, Congress finds it necessary to regulate the manufacture, sale, purchase, possession and use of lasers within the Federated States of Micronesia.

2 Section 2. Definitions. Unless otherwise indicated
in this Act, the following definitions shall apply:

(a) “Aircraft” means a machine or device that is used or intended to be used, for flight in the air and is capable of transporting persons and goods through the airspace.

(b) “Laser” means a device that emits a beam of ultraviolet, visible or infrared light due to stimulated emission.

Section 3. Unlawful manufacture, sale, or possession of a laser.

(a) No person shall intentionally or knowingly manufacture, sell, purchase, posses or use a laser that is categorized as Class 3R under the revised system of classifying lasers, or as Class III under the old system of the American National Standards Institute (ANSI), and higher, except as authorized in section 5 (b) (I) of this Act.

(b) Unlawful manufacture, sale or possession of a laser is a misdemeanor.

Section 4. Unlawful Use of a Laser.

(a) A person commits the offense of unlawful use of a laser if he or she:

(i) Intentionally, knowingly, or recklessly discharge a laser at an occupied and
moving aircraft, automobile, ocean vessel, or
person; or

(ii) Causing damages or injuries by
intentionally, knowingly, or recklessly
discharge a laser at properties or person.

(b) Unlawful use of a laser is a felony.

Section 5. Exemption; Failure to register a laser.

(a) Section 3 of this Act shall not apply
to the use of laser pointers that emits five (5)
micro watts per square centimeter of light that
are intended to be utilized for educational
purposes by individuals engaged in an organized
meeting or training class; or during the normal
course of work or trade activities.

(b) Section 3 of this Act shall not apply
to the purchase, possession and use of a laser
utilized for fishing purposes, including but not
limited to, finding buoys at sea, provided that;

(i) Lasers categorized as Class 3R
under the revised system of classifying lasers
or as Class III under the old system of American
National Standards Institute (ANSI), and higher,
which are possessed for the limited purposes as
set for in subsection (b) above, shall be
registered with the Secretary of the Department
of Transportation, Communications and
Infrastructure in such manner that enables the
Department of Transportation, Communications and
Infrastructure to match an individual laser with
the laser’s owner.

(c) Section 3 of this Act shall not apply
to the use of laser pointers that are utilized
for educational purposes by adult individuals
engaged in an organized meeting or training
class; or during the normal course of work or
trade activities.

(d) Section 3 of this Act shall not apply
to the purchase, possession, or use of a laser
utilized for fishing purposes by adults,
including but not limited to, finding buoys at
sea, provided that;

(ii) Laser pointers which are
possessed for the limited purposes as set for in
subsection (b), above, shall be registered with
the Secretary of the Department of
Transportation, Communications and
Infrastructure in such manner that enables the
Department of Transportation, Communications and
Infrastructure to match an individual laser with
the laser’s owner.
(iii) A person who intentionally or knowingly fails to register a laser as required by subsection (d)(ii), above, commits the offense of failure to register a laser.

(iv) Failure to register a laser is a misdemeanor.

(v) Nothing in this Act shall be construed so as to limit the use of medical lasers by qualified medical personnel, or construction lasers used by construction personnel, or laser devices utilized by law enforcement personnel in the Federated States of Micronesia.

Section 6. **Penalty.**

(a) Any person convicted of violating section 3 (a) and section 4 (a) (ii) of this Act shall be imprisoned for not more than one year (1) or fined not more than one thousand dollars ($1,000) or both.

(b) Any person convicted of violating section 4 (a) (i) of this Act shall be imprisoned for not more than five (5) years or fined not more than ten thousand dollars ($10,000) or both.

(c) Any person convicted of violating
section 5 (b) (iii) of this Act shall be fined not more than six hundred dollars ($600) in addition to any other penalties that may apply under this Act.

Section 7. Rules and Regulations. The Secretary of the Department of Transportation, Communications and Infrastructures shall promulgate rules and regulations as may be necessary or appropriate to effectuate the provisions of this Act.

Section 8. This act shall become law upon approval by the President of the Federated States of Micronesia or upon its becoming law without such approval.

Date: 8/20/13

Introduced by: /s/ Florencio S. Harper

Florencio S. Harper (by request)