

October 17, 2013

SENATE BILL NO. 418
(Second Reprint)

To the Senate:

Pursuant to Article V, Section I, Paragraph 14 of the New Jersey Constitution, I am returning Senate Bill No. 418 (Second Reprint) without my approval.

This bill prohibits the sale of laser pointers that exceed one milliwatt in output power. Current federal regulations allow for the sale to consumers of laser pointers with outputs up to five milliwatts.

Presumably, the purpose of this bill is to deter the dangerous misuse of laser pointers. State and federal lawmakers, however, have already acted to prevent that misconduct. For example, New Jersey has enacted stringent penalties that criminalize aiming laser pointers at any vehicle, including an airplane. These state criminal penalties impose strict punishment of up to five to ten years in prison for a second-degree offense where the act causes serious bodily injury. In addition, federal law imposes criminal penalties for the dangerous misuse of a laser pointer, including fines, and up to five years in prison. Together, these existing state and federal criminal penalties are an important deterrent to the dangerous misuse of laser pointers.

This bill, however, goes well beyond the federal standards and would ban a whole class of one- to five-milliwatt laser pointers currently for sale at office supply stores as well as by the largest online retailers in the United States. Indeed, this legislation would ban the sale of one of the most common classes of consumer laser pointers, which are not typically used by criminals, but by business

professionals to deliver presentations. Tellingly, the Legislature points to no instance of this class of laser pointer being used by even a single criminal in New Jersey.

For these reasons, placing the New Jersey Division of Consumer Affairs in charge of enforcing sales restrictions that exceed federal standards is not likely to deter dangerous conduct, but instead will interfere with otherwise lawful commerce within New Jersey. The criminal laws already protecting New Jersey residents from the dangerous misuse of laser pointers would not be bolstered by an arbitrary one-milliwatt sales restriction that is inconsistent with federal standards.

Accordingly, I herewith return Senate Bill No. 418 (Second Reprint) without my approval.

Respectfully,
/s/ Chris Christie
Governor

[seal]

Attest:

/s/ Charles B. McKenna
Chief Counsel to the Governor