

4083

2011-2012 Regular Sessions

I N S E N A T E

March 16, 2011

Introduced by Sen. ADAMS -- read twice and ordered printed, and when printed to be committed to the Committee on Codes

AN ACT to amend the penal law, in relation to prohibiting aiming a laser at an aircraft

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. The penal law is amended by adding a new section 240.64 to  
2 read as follows:

3 S 240.64 AIMING A LASER AT AN AIRCRAFT.

4 A PERSON IS GUILTY OF AIMING A LASER AT AN AIRCRAFT WHEN HE OR SHE  
5 KNOWINGLY AIMS THE BEAM OF A LASER:

6 1. INTO AIRSPACE WITH THE INTENT TO TRACK, TARGET OR INTERFERE WITH  
7 AIRCRAFT IN THE SPECIAL AIRCRAFT JURISDICTION OF THE UNITED STATES; OR

8 2. AT AN AIRCRAFT, OR IN THE IMMEDIATE VICINITY OF AN AIRCRAFT, AND:

9 (A) THE CALCULATED OR MEASURED BEAM IRRADIANCE ON THE AIRCRAFT, OR IN  
10 THE IMMEDIATE VICINITY OF THE AIRCRAFT, EXCEEDS LIMITS SET BY THE FAA  
11 FOR THE FAA-SPECIFIED LASER FLIGHT ZONE (NORMAL, SENSITIVE, CRITICAL, OR  
12 LASER-FREE) WHERE THE AIRCRAFT WAS LOCATED; AND (B) A PILOT IN THE ILLU-  
13 MINATED AIRCRAFT FILES A LASER INCIDENT REPORT WITH THE FAA.

14 3. AS USED IN THIS SECTION,

15 (A) THE TERM "LASER" SHALL MEAN ANY DEVICE DESIGNED OR USED TO AMPLIFY  
16 ELECTROMAGNETIC RADIATION BY STIMULATED EMISSION THAT EMITS A BEAM; AND

17 (B) THE TERM "FAA" SHALL MEAN THE FEDERAL AVIATION ADMINISTRATION.

18 4. THIS SECTION DOES NOT PROHIBIT AIMING A LASER BEAM AT AN AIRCRAFT,  
19 OR IN THE IMMEDIATE VICINITY OF AN AIRCRAFT, BY:

20 (A) AN AUTHORIZED INDIVIDUAL IN THE CONDUCT OF RESEARCH AND DEVELOP-  
21 MENT OR FLIGHT TEST OPERATIONS CONDUCTED BY AN AIRCRAFT MANUFACTURER,  
22 THE FAA, OR ANY OTHER PERSON AUTHORIZED BY THE FAA TO CONDUCT SUCH  
23 RESEARCH AND DEVELOPMENT OR FLIGHT TEST OPERATIONS; OR

24 (B) MEMBERS OR ELEMENTS OF THE UNITED STATES DEPARTMENT OF DEFENSE OR  
25 THE UNITED STATES DEPARTMENT OF HOMELAND SECURITY ACTING IN AN OFFICIAL

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets  
[ ] is old law to be omitted.

LBD08930-01-1

1 CAPACITY FOR THE PURPOSE OF RESEARCH, DEVELOPMENT, OPERATIONS, TESTING  
2 OR TRAINING; OR  
3 (C) AN INDIVIDUAL IN AN EMERGENCY SITUATION USING A LASER TO ATTRACT  
4 THE ATTENTION OF AN AIRCRAFT FOR BONA FIDE RESCUE PURPOSES; OR  
5 (D) AN INDIVIDUAL WHOSE LASER OPERATIONS HAVE BEEN SUBMITTED TO AND  
6 REVIEWED BY THE FAA, WHEN:  
7 (I) THE FAA HAS ISSUED A LETTER NOT OBJECTING TO THE LASER USE; AND  
8 (II) THE LASER IS OPERATED IN CONFORMITY WITH THE FAA SUBMISSION.  
9 AIMING A LASER AT AN AIRCRAFT IS A CLASS E FELONY.  
10 S 2. This act shall take effect on the first of November next succeed-  
11 ing the date on which it shall have become a law.