

8236--B

2013-2014 Regular Sessions

I N   A S S E M B L Y

November 6, 2013

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Introduced by M. of A. OTIS -- read once and referred to the Committee on Codes -- recommitted to the Committee on Codes in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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     WITH THE INTENT TO DISRUPT THE SAFE TRAVEL OF AN AIRCRAFT AIMS THE BEAM  
6     OF A LASER:  
7     1. INTO AIRSPACE WITH THE INTENT TO TARGET OR INTERFERE WITH AIRCRAFT  
8     IN THE SPECIAL AIRCRAFT JURISDICTION OF THE UNITED STATES; OR  
9     2. AT AN AIRCRAFT, OR IN THE IMMEDIATE VICINITY OF AN AIRCRAFT, AND:  
10    (A) THE CALCULATED OR MEASURED BEAM IRRADIANCE ON THE AIRCRAFT, OR IN  
11    THE IMMEDIATE VICINITY OF THE AIRCRAFT, EXCEEDS LIMITS SET BY THE FAA  
12    FOR THE FAA-SPECIFIED LASER FLIGHT ZONE (NORMAL, SENSITIVE, CRITICAL, OR  
13    LASER-FREE) WHERE THE AIRCRAFT WAS LOCATED; AND (B) A PILOT IN THE ILLU-  
14    MINATED AIRCRAFT FILES A LASER INCIDENT REPORT WITH THE FAA.  
15    3. AS USED IN THIS SECTION:  
16    (A) THE TERM "LASER" SHALL MEAN ANY DEVICE DESIGNED OR USED TO AMPLIFY  
17    ELECTROMAGNETIC RADIATION BY STIMULATED EMISSION THAT EMITS A BEAM; AND  
18    (B) THE TERM "FAA" SHALL MEAN THE FEDERAL AVIATION ADMINISTRATION.  
19    4. THIS SECTION DOES NOT PROHIBIT AIMING A LASER BEAM AT AN AIRCRAFT,  
20    OR IN THE IMMEDIATE VICINITY OF AN AIRCRAFT, BY:

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

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

5 (B) MEMBERS OR ELEMENTS OF THE UNITED STATES DEPARTMENT OF DEFENSE OR  
6 THE UNITED STATES DEPARTMENT OF HOMELAND SECURITY ACTING IN AN OFFICIAL  
7 CAPACITY FOR THE PURPOSE OF RESEARCH, DEVELOPMENT, OPERATIONS, TESTING  
8 OR TRAINING; OR

9 (C) AN INDIVIDUAL IN AN EMERGENCY SITUATION USING A LASER TO ATTRACT  
10 THE ATTENTION OF AN AIRCRAFT FOR BONA FIDE RESCUE PURPOSES; OR

11 (D) AN INDIVIDUAL WHOSE LASER OPERATIONS HAVE BEEN SUBMITTED TO AND  
12 REVIEWED BY THE FAA, WHEN:

13 (I) THE FAA HAS ISSUED A LETTER NOT OBJECTING TO THE LASER USE; AND

14 (II) THE LASER IS OPERATED IN CONFORMITY WITH THE FAA SUBMISSION.

15 AIMING A LASER AT AN AIRCRAFT IS A CLASS A MISDEMEANOR.

16 S 2. This act shall take effect on the first of November next succeed-  
17 ing the date on which it shall have become a law.