

7418--A

Cal. No. 1303

I N S E N A T E

May 14, 2014

Introduced by Sens. SANDERS, GRISANTI -- read twice and ordered printed, and when printed to be committed to the Committee on Codes -- committee discharged and said bill committed to the Committee on Rules -- ordered to a third reading, amended and ordered reprinted, retaining its place in the order of third reading

AN ACT to amend the penal law, in relation to the offense of directing 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 two new sections 240.76
2 and 240.77 to read as follows:
3 S 240.76 DIRECTING A LASER AT AN AIRCRAFT IN THE SECOND DEGREE.
4 A PERSON IS GUILTY OF DIRECTING A LASER AT AN AIRCRAFT IN THE SECOND
5 DEGREE WHEN, WITH INTENT TO DISRUPT SAFE AIR TRAVEL, HE OR SHE DIRECTS
6 THE BEAM OF A LASER:
7 1. ONTO A SPECIFIC AIRCRAFT INTENDING TO THEREBY DISRUPT OR INTERFERE
8 WITH SUCH AIRCRAFT IN THE SPECIAL AIRCRAFT JURISDICTION OF THE UNITED
9 STATES; OR
10 2. IN THE IMMEDIATE VICINITY OF AN AIRCRAFT IN THE SPECIAL AIRCRAFT
11 JURISDICTION OF THE UNITED STATES, AND:
12 (A) THE CALCULATED OR MEASURED BEAM IRRADIANCE ON THE AIRCRAFT, OR IN
13 THE IMMEDIATE VICINITY OF THE AIRCRAFT, EXCEEDS LIMITS SET BY THE FAA
14 FOR THE FAA-SPECIFIED LASER FLIGHT ZONE (NORMAL, SENSITIVE, CRITICAL, OR
15 LASER-FREE) WHERE THE AIRCRAFT WAS LOCATED; AND (B) A PILOT IN THE ILLU-
16 MINATED AIRCRAFT FILES A LASER INCIDENT REPORT WITH THE FAA.
17 3. AS USED IN THIS SECTION:
18 (A) THE TERM "LASER" SHALL MEAN ANY DEVICE DESIGNED OR USED TO AMPLIFY
19 ELECTROMAGNETIC RADIATION BY STIMULATED EMISSION THAT EMITS A BEAM; AND
20 (B) THE TERM "FAA" SHALL MEAN THE FEDERAL AVIATION ADMINISTRATION.
21 4. THIS SECTION DOES NOT PROHIBIT DIRECTING A LASER BEAM AT AN
22 AIRCRAFT, OR IN THE IMMEDIATE VICINITY OF AN AIRCRAFT, BY:
23 (A) AN AUTHORIZED INDIVIDUAL IN THE CONDUCT OF RESEARCH AND DEVELOP-
24 MENT OR FLIGHT TEST OPERATIONS CONDUCTED BY AN AIRCRAFT MANUFACTURER,

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

LBD06065-14-4

1 THE FAA, OR ANY OTHER PERSON AUTHORIZED BY THE FAA TO CONDUCT SUCH
2 RESEARCH AND DEVELOPMENT OR FLIGHT TEST OPERATIONS; OR

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

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

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

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

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

13 DIRECTING A LASER AT AN AIRCRAFT IS A CLASS A MISDEMEANOR.

14 S 240.77 DIRECTING A LASER AT AN AIRCRAFT IN THE FIRST DEGREE.

15 A PERSON IS GUILTY OF DIRECTING A LASER AT AN AIRCRAFT IN THE FIRST
16 DEGREE WHEN HE OR SHE COMMITS THE CRIME OF DIRECTING A LASER AT AN
17 AIRCRAFT IN THE SECOND DEGREE IN VIOLATION OF SECTION 240.76 OF THIS
18 ARTICLE AND THEREBY CAUSES A SIGNIFICANT CHANGE OF COURSE OR OTHER SERI-
19 OUS DISRUPTION TO THE SAFE TRAVEL OF AN AIRCRAFT THAT THREATENS THE
20 PHYSICAL SAFETY OF THE AIRCRAFT'S PASSENGERS OR CREW.

21 DIRECTING A LASER AT AN AIRCRAFT IN THE FIRST DEGREE IS A CLASS E
22 FELONY.

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