

8236--B

2013-2014 Regular Sessions

I N A S S E M B L Y

November 6, 2013

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.