

8236--C

2013-2014 Regular Sessions

I N A S S E M B L Y

November 6, 2013

Introduced by M. of A. OTIS, LENTOL, BRAUNSTEIN, McDONALD -- 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 -- reported and referred to the Committee on Rules -- Rules Committee discharged, bill amended, ordered reprinted as amended and recommitted to the Committee on Rules

AN ACT to amend the penal law, in relation to prohibiting 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:

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

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

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

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

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

10 (B) MEMBERS OR ELEMENTS OF THE UNITED STATES DEPARTMENT OF DEFENSE OR
11 THE UNITED STATES DEPARTMENT OF HOMELAND SECURITY ACTING IN AN OFFICIAL
12 CAPACITY FOR THE PURPOSE OF RESEARCH, DEVELOPMENT, OPERATIONS, TESTING
13 OR TRAINING; OR

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

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

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

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

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

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

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

28 DIRECTING A LASER AT AN AIRCRAFT IN THE FIRST DEGREE IS A CLASS E
29 FELONY.

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