

7418--A

Cal. No. 1303

I N   S E N A T E

May 14, 2014

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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.

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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.