

- SUBJECT:** Creating offense of illumination of an aircraft by intense light
- COMMITTEE:** Criminal Jurisprudence — favorable, without amendment
- VOTE:** 6 ayes — Peña, Vaught, Riddle, Escobar, Mallory Caraway, Pierson
0 nays
3 absent — Hodge, Moreno, Talton
- WITNESSES:** For — None
Against — None
On — Shannon Edmonds, Texas District and County Attorneys Assn.
- BACKGROUND:** Penal Code, sec. 42.13 prohibits people from knowingly directing a laser pointer at a uniformed safety officer or other uniformed municipal, state, or federal officer. The offense is a class C misdemeanor (maximum fine of \$500).
- DIGEST:** HB 1586 would amend Penal Code, ch. 42 by adding sec. 42.14 to create the offense of illumination of an aircraft by intense light. A person would commit an offense if the person:
- intentionally directed a light from a laser pointer or other light source at an aircraft; and
 - the light had an intensity sufficient to impair the operator's ability to control the aircraft.
- Illumination of an aircraft by an intense light would be punishable as a class C misdemeanor (maximum fine of \$500) unless the intensity of the light impaired the operator's ability to control the aircraft, in which event the offense would be a class A misdemeanor (up to one year in jail and/or a maximum fine of \$4,000).
- It would be an affirmative defense to prosecution that the actor was using the light to send an emergency distress signal. If the underlying conduct constituted an offense under any other law, the actor could be prosecuted

under this law or another applicable law. A laser pointer would be a device that emitted a visible light amplified by the stimulated emission of radiation (Penal Code, sec. 42.13 (b)).

The bill would take effect on September 1, 2007.

**SUPPORTERS
SAY:**

HB 1586 would help protect pilots from deliberate targeting by placing this offense in the criminal mischief statute. Punishing it as a class A or C misdemeanor also would be in line with crimes of similar seriousness. Laser pointers have gone from office aids and amusement devices to weapons used to disrupt and injure the sight of others. There are documented incidents of people targeting pilots, soldiers, and police officers with laser pointers with the goal of distracting, panicking, or injuring them.

The bill would regulate the targeting of all aircraft, allowing the state to police instances of interference with small private planes that federal law might not cover adequately. In addition, granting Texas law enforcement the ability to prosecute the targeting of pilots is important because federal law enforcement is overworked and under funded. According to the Legislative Budget Board, HB 1586 would not result in a significant fiscal impact to the state.

**OPPONENTS
SAY:**

HB 1585 is unnecessary because federal law already addresses the targeting of a pilot with a laser through laws that prohibit interfering with the operator of a mass transportation vehicle under the Patriot Act. Because the federal government already is heavily involved in regulating all aspects of flight, it would be better to allow federal government continue to regulate flight on its own.

Texas cannot afford to create new criminal laws. The corrections system is operating at capacity. HB 1585 would create a new crime, which would translate into new prosecutions and new convictions.