

Legislative Analysis



PROHIBIT AIMING LASER AT OR TOWARD AIRCRAFT

Phone: (517) 373-8080
<http://www.house.mi.gov/hfa>

House Bill 4063 as introduced
Sponsor: Rep. Laura Cox

Analysis available at
<http://www.legislature.mi.gov>

House Bill 4064 as introduced
Sponsor: Rep. Tom Barrett

Committee: Law and Justice
Complete to 2-27-17

SUMMARY:

House Bill 4063 prohibits the act of intentionally aiming a laser or other directed energy device at or into the path of an aircraft, makes the act a five-year felony, provides exceptions, and defines "directed energy device."

House Bill 4064 places a corresponding provision within the sentencing guidelines.

The bills are tie-barred to each other and each takes effect 90 days after enactment.

Specifically, **House Bill 4063** adds a section to the Michigan Penal Code to prohibit a person from intentionally aiming a beam of directed energy emitted from a *directed energy device* at an aircraft or into the path of an aircraft. "*Directed energy device*" is defined to mean any device that emits highly focused energy and is capable of transferring that energy to a target to damage or interfere with its operation. The term includes, but is not limited to, the following forms of energy:

- Electromagnetic radiation, including radio frequency, microwave, lasers, and masers (similar to lasers, but using microwaves instead of optical light).
- Particles with mass, in particle-beam weapons and devices.
- Sound, in sonic waves and devices.

Exceptions

The bill does not apply to any of the following:

- Individuals authorized in the conduct of research and development or flight test operations conducted by an aircraft manufacturer, the Federal Aviation Administration (FAA), or any other person authorized by the FAA to conduct such research or tests.
- Members of the US Department of Defense (DOD) or the US Department of Homeland Security (DHS) when acting in an official capacity for the purpose of research, development, operations, testing, or training.

- A person using a laser emergency signaling device to send an emergency distress signal.

Penalty

A violation is a felony punishable by imprisonment for not more than five years and/or a fine of not more than \$10,000.

House Bill 4064 amends the sentencing guidelines portion of the Code of Criminal Procedure to specify that aiming a beam of directed energy emitted from a directed energy device at or into the path of an aircraft is a Class E felony against the public safety with a statutory maximum term of imprisonment of five years.

FISCAL IMPACT:

House Bill 4063 would have an indeterminate fiscal impact on the state's correctional system and on local court systems. Information is not available on the number of persons that might be convicted under the provisions of the bill, but new felony convictions would result in increased costs related to state prisons and state probation supervision. In fiscal year 2016, the average cost of prison incarceration in a state facility was roughly \$36,000 per prisoner, a figure that includes various fixed administrative and operational costs. State costs for parole and felony probation supervision averaged about \$3,500 per supervised offender in the same year. The fiscal impact on local court systems would depend on how the provisions of the bill affected caseloads and related administrative costs. Any increase in penal fine revenues would increase funding for local libraries, which are the constitutionally-designated recipients of those revenues.

House Bill 4064 amends sentencing guidelines and does not have a direct fiscal impact on the state or on local units of government.

Legislative Analyst: Susan Stutzky
Fiscal Analyst: Robin Risko

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