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BILL



ANALYSIS

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House Bills 4063 and 4064 (as passed by the House)

Sponsor: Representative Laura Cox (H.B. 4063)

Representative Tom Barrett (H.B. 4064)

House Committee: Law and Justice

Senate Committee: Judiciary

Date Completed: 3-24-17

CONTENT

House Bill 4063 would amend the Michigan Penal Code to do the following:

- Prohibit and prescribe a felony penalty for aiming a beam of directed energy from a directed energy device at, or into the path of, an aircraft.
- Specify exceptions to the prohibition.
- Define "directed energy device".

House Bill 4064 would amend the Code of Criminal Procedure to include the felony penalty proposed by House Bill 4063 in the sentencing guidelines.

The bills are tie-barred and each would take effect 90 days after its enactment.

House Bill 4063

The bill would 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. A violation would be a felony, punishable by up to five years' imprisonment and/or a maximum fine of \$10,000.

The prohibition would not apply to any of the following:

- An authorized individual 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 research and development or flight test operations.
- Members of the U.S. Department of Defense or the U.S. Department of Homeland Security 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.

"Directed energy device" would 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 energy from a directed energy device would include the following forms of energy:

- Electromagnetic radiation, including radio frequency, microwave, lasers, and masers.
- Particles with mass, in particle-beam weapons and devices.
- Sound, in sonic weapons and devices.

House Bill 4064

Under the bill, aiming a beam of directed energy emitted from a directed energy device at or into the path of an aircraft would be a Class E public safety felony, with a statutory maximum penalty of five years' imprisonment.

Proposed MCL 750.43a (H.B. 4063)
MCL 777.16b (H.B. 4064)

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

House Bill 4063

The bill could have a negative fiscal impact on the State and local government. More felony arrests and convictions could increase resource demands on law enforcement, court systems, community supervision, jails, and correctional facilities. The average cost to State government for felony probation supervision is approximately \$3,024 per probationer per year. For any increase in prison intakes, in the short term, the marginal cost to State government would be approximately \$3,764 per prisoner per year. Any associated increase in fine revenue would increase funding to public libraries.

House Bill 4064

The bill would have no fiscal impact on local government and an indeterminate fiscal impact on the State, in light of the Michigan Supreme Court's July 2015 opinion in *People v. Lockridge* (in which the Court struck down portions of the sentencing guidelines law). According to one interpretation of that decision, the sentencing guidelines are advisory for all cases. This means that the addition to the guidelines under the bill would not be compulsory for the sentencing judge. As penalties for felony convictions vary, the fiscal impact of any given felony conviction depends on judicial decisions.

Fiscal Analyst: Ryan Bergan

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.