

Department of Legislative Services
Maryland General Assembly
2013 Session

FISCAL AND POLICY NOTE

House Bill 12
Judiciary

(Delegate Arora)

Judicial Proceedings

Crimes - Aiming Laser Pointer at Aircraft

This bill makes it a misdemeanor for a person to knowingly and willfully shine, point, or focus the beam of a laser pointer on an individual operating an aircraft. Violators are subject to maximum penalties of three years imprisonment and/or a \$2,500 fine. The sentence imposed for this crime must be in addition to any other sentence imposed for a conviction arising from the same facts and circumstances.

The prohibition does not apply to the use of a laser pointer by (1) an individual conducting research and development or flight testing for an aircraft manufacturer or the Federal Aviation Administration (FAA); (2) a member of the U.S. Department of Defense or the U.S. Department of Homeland Security acting in an official capacity during an activity related to research and development, flight testing, or training; (3) a law enforcement officer acting in an official capacity; (4) an individual attempting to make the individual's location known; or (5) an individual attempting to give a warning signal.

Fiscal Summary

State Effect: Potential minimal increase in general fund revenues from fines imposed in District Court cases. Potential minimal increase in State expenditures as a result of the bill's incarceration penalty.

Local Effect: Potential minimal increase in local revenues from fines imposed in circuit court cases. Potential minimal increase in local expenditures as a result of the bill's incarceration penalty.

Small Business Effect: None.

Analysis

Current Law: A “laser pointer” is a device that emits light amplified by the stimulated emission of radiation that is visible to the human eye. A person may not knowingly use a laser pointer to illuminate another in a public place in a manner that harasses or endangers the other. Violators are guilty of a misdemeanor punishable by a fine of up to \$500.

The prohibition does not apply to use of a laser pointer (1) for educational purposes by individuals engaged in an organized meeting or training class or (2) during the normal course of work or trade activities.

Background: While laser pointers may appear innocuous on the ground, they can prove especially dangerous to aircraft. A laser that looks like a dot when held by a person on the ground can illuminate an entire cockpit, causing disorientation and temporary blindness in the pilot. The Federal Bureau of Investigation (FBI) and FAA have been keeping records of laser-pointed related events since 2004. **Exhibit 1** lists the number of laser incidents affecting aircraft from 2005 to 2011.

Exhibit 1
Laser-related Incidents Affecting Aircraft
2005-2011

<u>Year</u>	<u>Number of Incidents</u>
2005	283
2006	384
2007	590
2008	913
2009	1,527
2010	2,836
2011	3,591

Source: Federal Aviation Administration

Though federal law has contained criminal penalties for the willful interference with the safe operation of an aircraft for many years, recent federal legislation specifically addresses laser incidents.

On February 14, 2012, President Obama signed the “FAA Modernization and Reform Act of 2012.” Under the Act, aiming the beam of a laser pointer at an aircraft is a crime

punishable by imprisonment for up to five years and/or a fine of up to \$250,000. In June 2011, FAA announced that it would impose civil penalties of up to \$11,000 against individuals who point lasers at cockpits.

According to the FBI, no aircraft have been lost as a result of a laser, but pilots have sustained eye injuries.

According to information provided by FAA, there were 54 laser incidents in Maryland during calendar 2012. The incidents occurred in several counties. No injuries were reported. The Department of State Police (DSP) advises that it received one report of a laser being pointed at DSP aircraft during 2012. According to news reports, individuals who have been arrested for laser incidents in Maryland have been charged with reckless endangerment, laser pointer misuse, and attempted second degree assault against a law enforcement officer under State law. These offenses carry maximum penalties of a \$500 fine, 5 years imprisonment and/or a \$5,000 fine, and 10 years imprisonment and/or a \$5,000 fine, respectively.

On February 20, 2011, someone pointed a laser at the cockpit of a Southwest Airlines aircraft as it approached Baltimore-Washington International Thurgood Marshall Airport. According to federal officials, the eyes of the pilot and first officer were injured, and they were treated at Johns Hopkins Hospital and released. The FBI is offering a \$5,000 reward for information leading to the arrest of the person responsible for the incident.

Additional Information

Prior Introductions: HB 130 of 2012 passed the House of Delegates and received a favorable report from the Senate Judicial Proceedings Committee. No further action was taken.

Cross File: SB 19 (Senator Jennings) – Judicial Proceedings.

Information Source(s): Maryland State Commission on Criminal Sentencing Policy, Judiciary (Administrative Office of the Courts), Department of Public Safety and Correctional Services, Office of the Public Defender, State's Attorneys' Association, Maryland Department of Transportation, Department of State Police, Airline Pilots Association, U.S. Department of Justice, Federal Aviation Administration, Federal Bureau of Investigation, CBSnews.com, U.S. Attorney's Office (Western District of Pennsylvania), *Capital Gazette*, LaserPointerSafety.com, Department of Legislative Services

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