

## **BILL ANALYSIS**

H.B. 1586  
By: Flores  
Criminal Jurisprudence  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

Aircraft plays an integral role in the overall mission of law enforcement. As a tool of law enforcement, the safe utilization of aircraft is paramount in protecting the public welfare. There have been many documented instances of persons on the ground intentionally directing light at law enforcement aircraft with enough intensity to impair the operator's ability to control the aircraft. The purpose of HB 1586 is to create criminal sanctions upon those who intentionally engage in the practice of illuminating an aircraft with a light source sufficient to impair an aircraft operator's ability to control the aircraft.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

House Bill 1586 amends the Penal Code to provide that a person commits an offense if the person intentionally directs a light from a laser pointer or other light source at an aircraft and the light has an intensity sufficient to impair the operator's ability to control the aircraft. It is an affirmative defense to prosecution if the light was used to send an emergency distress signal. Unless the intensity of the light impairs the operator's ability to control the aircraft, the offense is a Class C misdemeanor. If the intensity of the light does impair the operator's ability to control the aircraft, the offense is a Class A misdemeanor. The actor may be prosecuted in this section or another section of law if the conduct constitutes an offense under this section or another section under any other law. For purposes of this section, the definition assigned in Section 42.13, Penal Code, is used for "laser pointer."

### **EFFECTIVE DATE**

September 1, 2007.