



Am. H.B. 231
126th General Assembly
(As Passed by the House)

Reps. Mason, McGregor, Otterman, Allen, Brown, Chandler, Williams, Carano, S. Smith, Boccieri, Fende, Driehaus, Ujvagi, Harwood, Oelslager, C. Evans, Key, S. Patton, DeBose, Collier, Reidelbach, Yuko, Beatty, Barrett, Blessing, Book, Buehrer, Cassell, Coley, DeGeeter, Domenick, Flowers, Garrison, Gibbs, Gilb, Hartnett, Hoops, Hughes, Latta, Law, Mitchell, T. Patton, Perry, Peterson, Raussen, Sayre, Schaffer, Schneider, Seaver, Skindell, G. Smith, D. Stewart, J. Stewart, Sykes, Walcher, Willamowski, Woodard, Yates

BILL SUMMARY

- Prohibits a person from knowingly discharging a laser or other device that creates visible light into the cockpit of an aircraft that is in the process of taking off or landing or is in flight.
- Establishes that violation of the bill's prohibition is the offense of "interfering with the operation of an aircraft with a laser," a felony of the second degree.
- Adds a violation of the bill's prohibition to the list of "specified offenses" that constitute an "act of terrorism" when committed under circumstances defined under existing law.
- Defines "laser."

CONTENT AND OPERATION

Interfering with the operation of an aircraft with a laser

The bill defines "laser" (definition below) and prohibits any person from knowingly discharging a laser or other device that creates visible light into the cockpit of an aircraft that is in the process of taking off or landing or is in flight. Violation of the bill's prohibition is the offense of "interfering with the operation of an aircraft with a laser," a felony of the second degree. (R.C. 2909.081(A) and (B).)

Inclusion as "specified offense" for purposes of anti-terrorism laws

Existing law

Existing law contains a series of anti-terrorism offenses and related provisions, none of which are in the bill. The offenses include: (1) "soliciting or providing support for an act of terrorism" (R.C. 2909.22), which prohibits a person from raising, soliciting, collecting, or providing, etc., material support or resources with the purpose that the support or resources will be used in a specified manner related to an *act of terrorism* (see below), (2) "making a terroristic threat" (R.C. 2909.23), which prohibits a person from threatening to commit or threatening to cause to be committed a *specified offense* (see below) when the threat is made with a specified terroristic purpose and when it results in a reasonable expectation or fear of the imminent commission of the offense, and (3) "terrorism" (R.C. 2909.24), which prohibits a person from committing a *specified offense* (see below) with a specified terroristic purpose. The related provisions include R.C. 2921.32, which provides increased penalties for the offense of "obstructing justice" when the crime or act committed by the person aided by the offender is an *act of terrorism* (see below), and R.C. 2909.25, which authorizes a court to order reimbursement of the costs of investigation and prosecution to be paid by a person convicted of a violation of R.C. 2909.22, 2909.23, 2909.24, or of R.C. 2921.32 when the crime or act committed by the person aided by the offender is an *act of terrorism* (see below), and to order reimbursements of government response costs to be paid by a person convicted of a violation of R.C. 2909.23 or 2909.24.

Existing law defines a "specified offense" for purposes of the anti-terrorism laws as any felony offense of violence, the offense of "disrupting public services," "contaminating a substance for human consumption or use or contamination with a hazardous chemical, biological, or radioactive substance," or "spreading a false report of contamination," or a felony of the first degree that is not a violation of any provision in R.C. Chapter 2925. or 3719. (R.C. 2909.21(E).)

Under existing law, for purposes of the anti-terrorism laws, "act of terrorism" means an act that is committed within or outside the territorial jurisdiction of this state or the United States, that constitutes a specified offense if committed in this state or constitutes an offense in any jurisdiction within or outside the territorial jurisdiction of the United States containing all of the essential elements of a specified offense, and that is intended to do one or more of the following: (1) intimidate or coerce a civilian population, (2) influence the policy of any government by intimidation or coercion, or (3) affect the conduct of any government by the act that constitutes the offense. (R.C. 2909.21(A).)

Operation of the bill

The bill adds the offense of "interfering with the operation of an aircraft with a laser" to the list of offenses that currently are designated as "specified offenses" for purposes of the state's anti-terrorism laws. It does not otherwise change any of those laws. As a result of this change:

(1) The existing offenses of "making a terroristic threat" and "terrorism" apply regarding "interfering with the operation of an aircraft with a laser," and, thus, respectively prohibit a person from: (a) threatening to commit or threatening to cause to be committed "interfering with the operation of an aircraft with a laser" when the threat is made with a specified terroristic purpose and when it results in a reasonable expectation or fear of the imminent commission of the offense, and (b) committing "interfering with the operation of an aircraft with a laser" with a specified terroristic purpose. (R.C. 2909.23 and 2909.24, not in the bill.)

(2) "Interfering with the operation of an aircraft with a laser" is an act of terrorism if it is committed in the circumstances described above in "Existing law" under the definition of "act of terrorism." If the offense is an act of terrorism: (a) the existing offense of "soliciting or providing support for an act of terrorism" applies, and, thus, prohibits a person from raising, soliciting, collecting, or providing, etc., material support or resources with the purpose that it will be used in a specified manner related to "interfering with the operation of an aircraft with a laser" as an act of terrorism, and (b) existing law's increased penalties for the offense of "obstructing justice" apply when the crime or act committed by the person aided by the offender is "interfering with the operation of an aircraft with a laser" as an *act of terrorism*. (R.C. 2909.22 and R.C. 2921.32, not in the bill.)

(3) The existing provisions regarding court-ordered reimbursement of the costs of investigation and prosecution, and of government response costs, apply regarding persons convicted of a violation of R.C. 2909.22, 2909.23, 2909.24, or 2921.32, when the conviction is based on or related to "interfering with the operation of an aircraft with a laser" (R.C. 2909.25, not in the bill).

Laser defined

Under the bill, "laser" means both of the following:

(1) Any device that utilizes the natural oscillations of atoms or molecules between energy levels for generating coherent electromagnetic radiation in the ultraviolet, visible, or infrared region of the spectrum and when discharged exceeds one milliwatt continuous wave;

(2) Any device designed or used to amplify electromagnetic radiation by simulated emission that is visible to the human eye. (R.C. 2909.081(C).)

HISTORY

ACTION	DATE
Introduced	05-03-05
Reported, H. Transportation, Public Safety, & Homeland Security	11-15-05
Passed House (94-0)	12-13-05

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