

CHAPTER 70
FORMERLY
SENATE BILL NO. 41

AN ACT TO AMEND TITLE 2 OF THE DELAWARE CODE RELATING TO THE UNIFORM STATE AERONAUTICS LAW.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE (Two-thirds of all members elected to each house thereof concurring therein):

Section 1: Amend § 301, Title 2 of the Delaware Code, by making deletions as shown by strike through and insertions as shown by underline as follows and by redesignating accordingly:

§ 301. Definitions.

When used in this chapter:

(3) "Laser pointer" means any device designed or used to amplify electromagnetic radiation by stimulated emission that emits a beam designed to be used by the operator as a pointer or highlighter to indicate, mark, or identify a specific position, place, item or object.

Section 2. Amend Chapter 3, Title 2 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 312. Aiming the beam of a laser pointer at an aircraft prohibited; unclassified misdemeanor.

(a) A person is guilty of aiming the beam of a laser pointer at an aircraft when the person knowingly shines, points, or focuses the beam of a laser pointer at an aircraft while it is in the process of taking off, in flight, or landing.

(b) This section does not prohibit aiming the beam of a laser pointer at an aircraft by any of the following:

(1) An individual conducting research and development or flight testing for an aircraft manufacturer or the Federal Aviation Administration.

(2) A member of the United States Department of Defense or the United States 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) Individuals playing laser tag, utilizing paintball guns, or other similar games or devices using light emitting diode (LED) technology.

(5) An individual attempting to make the individual's location known.

(6) An individual attempting to give a warning signal.

(c) Aiming the beam of a laser pointer at an aircraft is an unclassified misdemeanor. The mandatory fine shall not exceed \$575. This fine shall not be suspended.

(d) The venue for the issuance of an arrest warrant for and the prosecution of a violation of this section is the county in which the aircraft took off prior to such violation, in or over which the violation occurred, or in which the aircraft lands subsequent to such violation. The jurisdiction for a violation of this section is as stated in § 204 of Title 11.

Approved June 30, 2015