609.857 DISCHARGING A LASER AT AN AIRCRAFT.

Subdivision 1. **Definitions.** (a) As used in this section, the following terms have the meanings given.

(b) "Aircraft" means any contrivance now known or hereafter invented, used, or designed for navigation of or flight in the air, but excluding parachutes.

(c) "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.

Subd. 2. **Crime.** Whoever knowingly aims and discharges 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 is guilty of a gross misdemeanor.

Subd. 3. **Exceptions.** This section does not apply to the following individuals who aim and discharge a laser or other device at an aircraft:

(1) an authorized individual in the conduct of research and development or flight test operations conducted by an aircraft manufacturer, the Federal Aviation Administration, or any other person authorized by the Federal Aviation Administration to conduct such research and development or flight test operations; or

(2) members or elements of the Department of Defense or Department of Homeland Security acting in an official capacity for the purpose of research, development, operations, testing, or training.

Subd. 4. **Defense.** It is an affirmative defense to a charge under this section if the defendant proves by a preponderance of the evidence that the defendant intended to send an emergency distress signal.

History: *2009 c 73 s 1*