



Legislative Council Staff

Nonpartisan Services for Colorado's Legislature

Fiscal Note

Drafting Number:	LLS 23-0535	Date:	February 10, 2023
Prime Sponsors:	Sen. Ginal; Gardner Rep. Soper; Daugherty	Bill Status:	Senate Judiciary
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Bill Topic: UNLAWFULLY AIMING LASER DEVICE AT AIRCRAFT

Summary of Fiscal Impact:

<input checked="" type="checkbox"/> State Revenue	<input type="checkbox"/> TABOR Refund
<input checked="" type="checkbox"/> State Expenditure	<input checked="" type="checkbox"/> Local Government
<input type="checkbox"/> State Transfer	<input type="checkbox"/> Statutory Public Entity

The bill creates a class 6 felony for unlawfully aiming a laser device at an aircraft. Starting in FY 2023-24, the bill may minimally increase state and local expenditures and revenue.

Appropriation Summary: No appropriation is required.

Fiscal Note Status: The fiscal note reflects the introduced bill.

Summary of Legislation

The bill makes it unlawful to knowingly aim the beam of a laser device at an aircraft in flight or on the ground, punishable as a class 6 felony. Exceptions are provided for authorized individuals conducting research, flight tests, or training, and if the laser device is used to send an emergency distress signal. The bill applies to offenses committed on or after July 1, 2023.

Comparable Crime Analysis

Legislative Council Staff is required to include certain information in the fiscal note for any bill that creates a new crime, changes the classification of an existing crime, or creates a new factual basis for an existing crime. Using Judicial Department data, the following section outlines crimes that are comparable to the offense in this bill and discusses assumptions on future rates of criminal convictions resulting from the bill.

Prior conviction data and assumptions. This bill creates the new offense of unlawfully aiming a laser device at an aircraft, a class 6 felony. To form an estimate on the prevalence of this new crime, the fiscal note analyzed the existing offense of unlawfully possessing an incendiary device on public transportation as a comparable crime. From FY 2019-20 to FY 2021-22, one offender was sentenced and convicted for this existing offense, who was a Black/African-American male. Visit leg.colorado.gov/fiscalnotes for more information about criminal justice costs in fiscal notes.

Assumptions. It is a federal crime to aim a laser device at an aircraft under 18 U.S.C. § 39A, enforced by the Federal Aviation Administration (FAA) and punishable by a civil fine or imprisonment. Due to the difficulty in identifying individuals performing this act, only about 1 percent of reported laser strikes result in positive identification. In 2022, about 300 laser strike incidents occurred in Colorado and this fiscal note assumes that about three cases would be filed as a result of the bill

State Revenue and Expenditures

Based on the assumptions above, this analysis assumes that there will be a minimal impact on state revenue and expenditures. Under the bill, criminal fines and court fees, which are subject to TABOR, may increase by a minimal amount. Similarly, any increase in workload and costs for the Judicial Department, including the trial courts, Division of Probation, and agencies that provide representation to indigent persons, and to the Department of Corrections, are assumed to be minimal and no change in appropriations is required.

Local Government

Similar to the state, it is expected that any workload or cost increases for district attorneys to prosecute additional offenses, or for county jails to imprison additional individuals under the bill will be minimal. District attorney offices and county jails are funded by counties.

Effective Date

The bill takes effect upon signature of the Governor, or upon becoming law without his signature and takes effect July 1, 2023.

State and Local Government Contacts

Corrections
Judicial

District Attorneys
Sheriffs

Information Technology