

SENATE SUBSTITUTE FOR  
HOUSE BILL NO. 4063

A bill to amend 1931 PA 328, entitled  
"The Michigan penal code,"  
(MCL 750.1 to 750.568) by adding section 43a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1           SEC. 43A. (1) A PERSON SHALL NOT INTENTIONALLY AIM A BEAM OF  
2 DIRECTED ENERGY EMITTED FROM A DIRECTED ENERGY DEVICE AT AN  
3 AIRCRAFT OR INTO THE PATH OF AN AIRCRAFT OR A MOVING TRAIN.

4           (2) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A FELONY  
5 PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 5 YEARS OR A FINE OF  
6 NOT MORE THAN \$10,000.00, OR BOTH.

7           (3) THIS SECTION DOES NOT APPLY TO ANY OF THE FOLLOWING:

8           (A) AN AUTHORIZED INDIVIDUAL IN THE CONDUCT OF RESEARCH AND  
9 DEVELOPMENT OR FLIGHT TEST OPERATIONS CONDUCTED BY AN AIRCRAFT  
10 MANUFACTURER, THE FEDERAL AVIATION ADMINISTRATION, OR ANY OTHER  
11 PERSON AUTHORIZED BY THE FEDERAL AVIATION ADMINISTRATION TO CONDUCT

1 RESEARCH AND DEVELOPMENT OR FLIGHT TEST OPERATIONS.

2 (B) MEMBERS OF THE UNITED STATES DEPARTMENT OF DEFENSE OR THE  
3 UNITED STATES DEPARTMENT OF HOMELAND SECURITY ACTING IN AN OFFICIAL  
4 CAPACITY FOR THE PURPOSE OF RESEARCH, DEVELOPMENT, OPERATIONS,  
5 TESTING, OR TRAINING.

6 (C) A PERSON USING A LASER EMERGENCY SIGNALING DEVICE TO SEND  
7 AN EMERGENCY DISTRESS SIGNAL.

8 (4) AS USED IN THIS SECTION, "DIRECTED ENERGY DEVICE" MEANS  
9 ANY DEVICE THAT EMITS HIGHLY FOCUSED ENERGY AND IS CAPABLE OF  
10 TRANSFERRING THAT ENERGY TO A TARGET TO DAMAGE OR INTERFERE WITH  
11 ITS OPERATION. THE ENERGY FROM A DIRECTED ENERGY DEVICE INCLUDES,  
12 BUT IS NOT LIMITED TO, THE FOLLOWING FORMS OF ENERGY:

13 (A) ELECTROMAGNETIC RADIATION, INCLUDING RADIO FREQUENCY,  
14 MICROWAVE, LASERS, AND MASERS.

15 (B) PARTICLES WITH MASS, IN PARTICLE-BEAM WEAPONS AND DEVICES.

16 (C) SOUND, IN SONIC WEAPONS AND DEVICES.

17 Enacting section 1. This amendatory act takes effect 90 days  
18 after the date it is enacted into law.

19 Enacting section 2. This amendatory act does not take effect  
20 unless House Bill No. 4064 of the 99th Legislature is enacted into  
21 law.