



**House Judiciary Committee
March 10, 2025**

**Senate Bill 156
Testimony of the BIDS Legislative Committee
Presented by James Houston Bales
Neutral**

Chairperson Humphries and Members of the Committee:

SB 156 proposes to create the offense of unlawful use of a laser pointer. Much of the statute is concerned about the use of laser pointers to interfere with aircraft. The BIDS Legislative committee submits neutral testimony, but would urge the committee to take the time to understand how this law interacts with other provisions in Kansas and Federal law.

Immediately this bill forces the reader to ask a question: what is an aircraft? The criminal code doesn't define it, leaving Kansans to seek guidance elsewhere, such as the definition of an aircraft in K.S.A. 3-201. This definition is broad: "'Aircraft' shall include any machine or contrivance, except parachutes, used for exhibition purposes or for carrying persons or property, propelled through the air and controlled by man, regardless of how propelled or controlled." Drones, including consumer drones, are likely covered under this proposed legislation. We would urge the committee to consider providing a definition of "aircraft" to clearly define the behavior this bill seeks to criminalize.

The committee should also remember that laws already exist to criminalize this conduct. In 18 U.S.C. 39A, the Federal government criminalizes this same behavior, imposing a maximum sentence of five years in prison. This is not the sort of crime that will routinely happen outside the gaze of Federal law enforcement. Airports are heavily policed by Federal law enforcement, who are perfectly capable of enforcing Federal law.

One more note, regarding the fiscal effects of this legislation: As mentioned in SB 156's Fiscal Note prepared by the Division of Budget, BIDS expects enactment of SB 156 to increase agency expenditures on legal counsel and support staff for each case charged as a felony under the amended statute. On average, severity level 9, nonperson felony case requires 35 attorney work hours. Based on the rates of \$83.36 per hour for BIDS-employed public defenders and \$125 per hour for assigned counsel, each new severity level 9, nonperson felony case brought to the agency would result in State General Fund expenditures of \$2,918 to \$4,375.

If prosecutors file charges in 50 new cases against indigent individuals per year, BIDS will need between \$145,900 to \$218,750 per year in additional funding to provide defense services in those cases.

The proposals here appear reasonable on their face, but the BIDS Legislative Committee would encourage this committee to consider the potential ambiguity in what is being criminalized, to craft definitions to ensure all Kansans understand the scope of the law, and to consider leaving this rather niche misconduct and its prosecution in the hands of the Federal government. For these reasons, we are NEUTRAL on this bill.

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