

LOCAL LAW NO. "E" FOR 2016

A LOCAL LAW OF THE COUNTY OF ALBANY, NEW YORK ESTABLISHING SECONDARY SEARCH PROTOCOL AT THE ALBANY INTERNATIONAL AIRPORT

Introduced: 4/11/16

By Messrs. Commisso and Mauriello:

SECTION 1. LEGISLATIVE FINDINGS

Since September 11, 2001, terrorist organizations and individuals intent on doing harm have continued to seek innovative ways to evade security at airports. As evidenced by the recent terrorist events that have occurred domestically and internationally, especially in the airline industry, it is apparent that threat persists; is evolving and is even growing.

Currently, it is an administrative violation of federal law for a person to start the screening process at an airport and not complete it. As part of the screening process, after a detection of an anomaly (either on the person or luggage), a passenger is required to undergo a secondary search. If the passenger *elects not to fly* and refuses to be searched, the United States Transportation Security Administration (TSA) and the police are powerless to compel the secondary search. TSA has no authority because it is a civil agency lacking any police power. Local law enforcement similarly lack authority to compel a search because it is neither a state nor federal crime to refuse to consent to a secondary search.

One particular concern, which the federal government has documented, is probing by terrorists. That is, terrorists can make multiple attempts to penetrate airport security by electing not to fly on the cusp of detection until a vulnerable portal is found. The lack of enforcement of secondary searches allows terrorists a low-cost method of detecting systematic vulnerabilities in airport security, knowledge that could be extremely valuable in planning future attacks.

SECTION 2. LEGISLATIVE INTENT

It is the intent of this legislation to address this vulnerability by making it a crime to refuse to complete the screening process once a passenger begins it and to ensure that federal security measures are completed by persons who are subject to them.

SECTION 3. DEFINITIONS

1. "Screening Location" shall mean that portion of the airport located after the point where a prospective passenger has submitted his ticketing, boarding and identification information to TSA agents and upon the entrance into the

area where the prospective passenger places luggage on a conveyor belt for inspection and passes through a magnetometer, body scanner or other devices that are employed to detect weapons, explosives, or other prohibited items on a person. The entrance into the screening location is sufficient to trigger the provisions of this law and the prospective passenger need not place luggage on a conveyor belt for inspection nor pass through a magnetometer, body scanner or other device to be considered in the screening location.

2. "Secure Area" shall mean any controlled area of the airport that has been defined by TSA as an area where either a passenger or airport employee need to be screened to enter, or any airport employee who has undergone security background checks and has been granted special access through a controlled access door.
3. "TSA" shall mean "United States Transportation Security Administration" as defined in 49 U.S.C. §114.
4. "Albany Airport Authority" shall mean "Albany County Airport Authority" as defined in Public Authorities Law §2779.
5. "Airport Employee" shall mean any person who conducts business or other commercial activity on behalf of himself or another person or corporation at the Albany International Airport.
6. "Control Access Doors" shall mean a door that is controlled by an electronic and/or key pad device to control and limit access to the secure area of the airport. Only those airport employees who are authorized may access the secure area through these control access doors.

SECTION 4. PROHIBITIONS

A. No person shall Obstruct Airport Security.

B. A person is guilty of Obstructing Airport Security when:

- (1) After entering a screening location at the Albany International Airport, he intentionally interferes with or fails to submit to the United States Transportation Security Administration (TSA) protocols regarding inspection of individuals and property for weapons, explosives, incendiaries, or other prohibited items or
- (2) After accessing any secure area of the airport through controlled access doors he intentionally interferes with or fails to submit to screening procedures or protocols established by the TSA for secure areas.

SECTION 5. PENALTIES

A violation of this Local Law shall be punishable by no more than one year in jail and a fine of no more than one thousand dollars.

SECTION 6. EFFECTIVE DATE

This law shall take effect immediately upon filing with the Secretary of State.

Referred to Public Safety Committee. 4/11/16