

BILL ANALYSIS

H.B. 778
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Law Enforcement
Committee Report (Unamended)

BACKGROUND AND PURPOSE

The 77th Legislature passed a law creating a Class A misdemeanor offense for interfering with an emergency telephone call. The applicable definition of “emergency” includes only situations where any individual is in imminent danger of serious bodily injury or the person making the phone call reasonably believes so. House Bill 778 amends the Penal Code to widen the definition of an emergency to include situations wherein the person is in fear of imminent assault. House Bill 778 also amends the Code of Criminal Procedure to expressly allow an officer to arrest a person without a warrant as long as the officer has probable cause to believe that the person has committed the offense of interference with an emergency telephone call.

RULEMAKING AUTHORITY

It is the committee’s opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

SECTION 1. House Bill 778 amends Section 42.062 of the Penal Code to alter the definition of “emergency” as applicable to that section. The bill strikes language requiring a person to be in imminent danger of serious bodily injury, or to be believed to be in such danger by a person making an emergency phone call, and replaces it with language requiring a person to be in fear of imminent assault, or believed to be in fear of imminent assault, in order to be an emergency situation.

SECTION 2. House Bill 778 amends Article 14.03 of the Code of Criminal Procedure to add interference with an emergency phone call under Section 42.062, Penal Code, to the list of offenses for which a peace officer may make an arrest without warrant as long as the officer has probable cause to believe an individual has committed the offense.

SECTION 3. This Act applies to offenses committed on or after September 1, 2003, and an offense was committed before this effective date if any element of the offense was committed before this date. For offenses committed before this date, the former law is in effect.

EFFECTIVE DATE

This Act takes effect September 1, 2003.