

## **BILL ANALYSIS**

S.B. 176  
By: Nelson  
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. Senate Bill 176 amends the Penal Code to widen the definition of an emergency to include situations wherein the person is in fear of imminent assault. Senate Bill 176 also amends the Code of Criminal Procedure to 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**

Senate Bill 176 amends Section 42.062(d), Penal Code, to define an emergency as a condition or circumstance in which any individual is or is reasonably believed by the individual making a telephone call to be in fear of imminent assault, rather than imminent danger of serious bodily injury.

Senate Bill 176 amends Article 14.03(a), Code of Criminal Procedure, to allow a peace officer to arrest, without warrant, persons who the peace officer has probable cause to believe have prevented or interfered with an individual’s ability to place a telephone call in an emergency, as defined by Section 42.062(d), Penal Code, if the offense is not committed in the presence of the peace officer.

### **EFFECTIVE DATE**

This Act takes effect September 1, 2003.