

By: Naishtat, Swinford

H.B. No. 778

A BILL TO BE ENTITLED

AN ACT

relating to the offense of interference with an emergency telephone call.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 42.062(d), Penal Code, is amended to read as follows:

(d) In this section, "emergency" means 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 [~~imminent danger of serious bodily injury~~] or in which property is or is reasonably believed by the individual making the telephone call to be in imminent danger of damage or destruction.

SECTION 2. Article 14.03(a), Code of Criminal Procedure, is amended to read as follows:

(a) Any peace officer may arrest, without warrant:

(1) persons found in suspicious places and under circumstances which reasonably show that such persons have been guilty of some felony, violation of Title 9, Chapter 42, Penal Code, breach of the peace, or offense under Section 49.02, Penal Code, or threaten, or are about to commit some offense against the laws;

(2) persons who the peace officer has probable cause to believe have committed an assault resulting in bodily injury to another person and the peace officer has probable cause to believe that there is danger of further bodily injury to that person;

1 (3) persons who the peace officer has probable cause
2 to believe have committed the offense defined by Section 25.07,
3 Penal Code (violation of Protective Order), if the offense is not
4 committed in the presence of the peace officer; ~~or~~

5 (4) persons who the peace officer has probable cause
6 to believe have committed an assault resulting in bodily injury to a
7 member of the person's family or household; or

8 (5) persons who the peace officer has probable cause
9 to believe have prevented or interfered with an individual's
10 ability to place a telephone call in an emergency, as defined by
11 Section 42.062(d), Penal Code, if the offense is not committed in
12 the presence of the peace officer.

13 SECTION 3. (a) This Act takes effect September 1, 2003.

14 (b) The change in law made by this Act applies only to an
15 offense committed on or after the effective date of this Act. An
16 offense committed before the effective date of this Act is covered
17 by the law in effect when the offense was committed, and the former
18 law is continued in effect for that purpose. For purposes of this
19 section, an offense was committed before the effective date of this
20 Act if any element of the offense was committed before that date.