

1-1 By: Naishtat, Swinford (Senate Sponsor - Nelson) H.B. No. 778
1-2 (In the Senate - Received from the House May 1, 2003;
1-3 May 6, 2003, read first time and referred to Committee on
1-4 Administration; May 23, 2003, reported favorably by the following
1-5 vote: Yeas 4, Nays 0; May 23, 2003, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to the offense of interference with an emergency telephone
1-9 call.

1-10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-11 SECTION 1. Section 42.062(d), Penal Code, is amended to
1-12 read as follows:

1-13 (d) In this section, "emergency" means a condition or
1-14 circumstance in which any individual is or is reasonably believed
1-15 by the individual making a telephone call to be in fear of imminent
1-16 assault [~~imminent danger of serious bodily injury~~] or in which
1-17 property is or is reasonably believed by the individual making the
1-18 telephone call to be in imminent danger of damage or destruction.

1-19 SECTION 2. Article 14.03(a), Code of Criminal Procedure, is
1-20 amended to read as follows:

1-21 (a) Any peace officer may arrest, without warrant:

1-22 (1) persons found in suspicious places and under
1-23 circumstances which reasonably show that such persons have been
1-24 guilty of some felony, violation of Title 9, Chapter 42, Penal Code,
1-25 breach of the peace, or offense under Section 49.02, Penal Code, or
1-26 threaten, or are about to commit some offense against the laws;

1-27 (2) persons who the peace officer has probable cause
1-28 to believe have committed an assault resulting in bodily injury to
1-29 another person and the peace officer has probable cause to believe
1-30 that there is danger of further bodily injury to that person;

1-31 (3) persons who the peace officer has probable cause
1-32 to believe have committed the offense defined by Section 25.07,
1-33 Penal Code (violation of Protective Order), if the offense is not
1-34 committed in the presence of the peace officer; [~~or~~]

1-35 (4) persons who the peace officer has probable cause
1-36 to believe have committed an assault resulting in bodily injury to a
1-37 member of the person's family or household; or

1-38 (5) persons who the peace officer has probable cause
1-39 to believe have prevented or interfered with an individual's
1-40 ability to place a telephone call in an emergency, as defined by
1-41 Section 42.062(d), Penal Code, if the offense is not committed in
1-42 the presence of the peace officer.

1-43 SECTION 3. (a) This Act takes effect September 1, 2003.

1-44 (b) The change in law made by this Act applies only to an
1-45 offense committed on or after the effective date of this Act. An
1-46 offense committed before the effective date of this Act is covered
1-47 by the law in effect when the offense was committed, and the former
1-48 law is continued in effect for that purpose. For purposes of this
1-49 section, an offense was committed before the effective date of this
1-50 Act if any element of the offense was committed before that date.

1-51 * * * * *