

Amend **CSSB 11** by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Chapter 42, Penal Code, is amended by adding Section 42.063 to read as follows:

Sec. 42.063. UNAUTHORIZED USE OF EMERGENCY COMMUNICATIONS DEVICE. (a) In this section:

(1) "Emergency" means a condition or circumstance in which an individual is in imminent danger of serious bodily injury or in which property is in imminent danger of damage or destruction.

(2) "Emergency communications device" means any device that is:

(A) owned by a governmental entity and routinely used by first responders to communicate with each other and with employers of first responders; or

(B) capable of transmitting over a radio frequency that is routinely used by first responders to transmit or receive communications.

(3) "First responder" has the meaning assigned by Section 421.095, Government Code.

(b) A person commits an offense if the person, without authorization, intentionally, knowingly, or recklessly:

(1) uses an emergency communications device;

(2) transmits a communication by using an emergency communications device; or

(3) transmits over a radio frequency routinely used by first responders to transmit or receive communications through emergency communications devices.

(c) Except as provided by Subsection (d), an offense under this section is a Class A misdemeanor.

(d) An offense under this section is a felony of the third degree if, during the commission of the offense, the actor:

(1) interferes with the ability of a first responder to respond to an emergency; or

(2) diverts a first responder from a location with the intent to facilitate the commission of another criminal offense by any person.

(e) If conduct constituting an offense under this section also constitutes an offense under another section of this code, the actor may be prosecuted under either section or both sections.