

By: Talton

H.B. No. 2307

Substitute the following for H.B. No. 2307:

By: Pena

C.S.H.B. No. 2307

A BILL TO BE ENTITLED

AN ACT

relating to the creation of the offense of unauthorized use of an emergency communications device.

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

SECTION 1. 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;

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

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

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

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

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

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

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

18 SECTION 2. This Act takes effect September 1, 2007.