

By: Talton

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 routinely used by first responders to report emergencies.

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

(b) A person commits an offense if the person is not a first responder and the person intentionally, knowingly, or recklessly:

(1) uses an emergency communications device without authorization; or

(2) transmits an unauthorized communication by using an emergency communications device.

(c) An offense under this section is a Class A misdemeanor, unless the actor, during the commission of the offense, interferes with the ability of a first responder to respond to an emergency, in

1 which event the offense is a felony of the third degree.

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

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