

BILL ANALYSIS

S.B. 1273
By: Carona
Criminal Jurisprudence
Committee Report (Amended)

BACKGROUND AND PURPOSE

Theft of emergency-use radio equipment directly interferes with emergency response and law enforcement efforts. At times, radio equipment is stolen during an emergency and used to disrupt or jam radio frequencies being used by emergency responders. This poses a significant problem for emergency responders and law enforcement.

Property theft under the Penal Code provides for a range of penalties (from a Class C misdemeanor to first degree felony) based on the value of the items stolen, past criminal offenses, and certain other factors.

As proposed, S.B. 1273 amends Sections 31.03 (Theft) and 38.152 (Interference with Radio Frequency Licensed to Government Entity) of the Penal Code to make thefts of radios, data terminals, or computers capable of two-way communications, which are owned or issued by law enforcement, fire departments, or emergency medical service providers, and are valued at less than \$20,000, a state jail felony. Additionally, the bill provides that it is a Class A misdemeanor offense for the intentional interruption, impediment, jamming, or interference of radio frequencies licensed by the Federal Communications Commission and used by law enforcement agencies, fire departments, or emergency medical service providers. The offense is a state jail felony if it facilitates the commission of another offense or interferes with the ability of emergency responders or a law enforcement agency to respond to an emergency.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

ANALYSIS

SECTION 1. Amends Section 31.03(e), Penal Code, to provide that, except as provided by Subsection (f), an offense under this section is a state jail felony if the value of the property stolen is less than \$20,000 and the property stolen is a radio, data terminal, or computer that is capable of two-way communications, and owned by or issued to a law enforcement agency as defined by Article 59.01 (Definitions), Code of Criminal Procedure, a fire department, or an emergency medical services provider as defined by Section 773.003 (Definitions), Health and Safety Code. Makes a nonsubstantive change.

SECTION 2. Amends Chapter 38, Penal Code, by adding Section 38.152, as follows:

Sec. 38.152. INTERFERENCE WITH RADIO FREQUENCY LICENSED TO GOVERNMENT ENTITY. (a) Provides that a person commits an offense if, without the effective consent of the law enforcement agency, fire department, or emergency medical services provider, the person intentionally interrupts, disrupts, impedes, jams, or otherwise interferes with a radio frequency that is licensed by the Federal Communications Commission to a government entity and is used by the law enforcement agency, fire department, or emergency medical services provider.

(b) Provides that an offense under this section is a Class A misdemeanor, except that the offense is a state jail felony if the actor committed the offense with the intent to facilitate the commission of another offense or interfere with the ability

of a law enforcement agency, a fire department, or an emergency medical services provider to respond to an emergency.

(c) Defines "emergency," "emergency medical services provider," and "law enforcement agency."

(d) Authorizes the actor to be prosecuted under this section or under both sections if conduct constituting an offense under this section also constitutes an offense under another section of this code.

SECTION 3. Makes application of this Act prospective.

SECTION 4. Effective date: September 1, 2009.

EFFECTIVE DATE

September 1, 2009.

EXPLANATION OF AMENDMENTS

Committee Amendment 1. Amends S.B. 1273 by removing proposed Subsection (G) from SECTION 1, Subsection (e)(1), Section 31.03, Penal Code, starting on line 3 of page 3. Also amends Subsection (F)(iii) on line 2 of page 3 to remove the word "or".