

By: Kleinschmidt

H.B. No. 1972

Substitute the following for H.B. No. 1972:

By: Flynn

C.S.H.B. No. 1972

A BILL TO BE ENTITLED

AN ACT

relating to the provision of 9-1-1 services; providing criminal penalties.

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

SECTION 1. Section 771.001(6), Health and Safety Code, is amended to read as follows:

(6) "9-1-1 service" means a communications ~~[telecommunications]~~ service that connects users ~~[provides the user of the public telephone system the ability]~~ to ~~[reach]~~ a public safety answering point through a ~~[by dialing the digits]~~ 9-1-1 system.

SECTION 2. The heading to Section 771.053, Health and Safety Code, is amended to read as follows:

Sec. 771.053. STATEWIDE LIMITATION ON LIABILITY OF SERVICE PROVIDERS AND CERTAIN PUBLIC OFFICERS.

SECTION 3. Section 771.053, Health and Safety Code, is amended by amending Subsection (a) and adding Subsection (c) to read as follows:

(a) A service provider of communications ~~[telecommunications]~~ service involved in providing 9-1-1 service, a manufacturer of equipment used in providing 9-1-1 service, a developer of software used in providing 9-1-1 service, a third party or other entity involved in providing 9-1-1 service, or an officer, director, or employee of the ~~[a]~~ service provider,

1 manufacturer, developer, third party, or other entity involved in
2 providing 9-1-1 service is not liable for any claim, damage, or loss
3 arising from the provision of 9-1-1 service unless the act or
4 omission proximately causing the claim, damage, or loss constitutes
5 gross negligence, recklessness, or intentional misconduct.

6 (c) This section shall be interpreted to provide protection
7 relating to confidentiality and immunity and protection from
8 liability with at least the same scope and to at least the same
9 extent as described by federal law, including 47 U.S.C. Section
10 615a and 47 U.S.C. Section 1472.

11 SECTION 4. Section 771.061, Health and Safety Code, is
12 amended to read as follows:

13 Sec. 771.061. STATEWIDE CONFIDENTIALITY OF INFORMATION.

14 (a) Information that a service provider of communications
15 ~~[telecommunications]~~ service is required to furnish to a
16 governmental entity, including a regional planning commission,
17 emergency communications district, or public safety answering
18 point, in providing 9-1-1 service or that a service provider, third
19 party, or other entity voluntarily furnishes at the request of a
20 governmental entity in providing ~~[computerized]~~ 9-1-1 service is
21 confidential and is not available for public inspection.
22 Information that is contained in an address database maintained by
23 a governmental entity or a third party used in providing
24 ~~[computerized]~~ 9-1-1 service is confidential and is not available
25 for public inspection. The service provider or third party is not
26 liable to any person who uses a ~~[computerized]~~ 9-1-1 service for the
27 release of information furnished by the service provider or third

1 party in providing [~~computerized~~] 9-1-1 service, unless the act or
2 omission proximately causing the claim, damage, or loss constitutes
3 gross negligence, recklessness, or intentional misconduct.

4 (b) Information that a service provider [~~of~~
5 ~~telecommunications service~~] furnishes to the commission or an
6 emergency communication district to verify or audit emergency
7 service fees or surcharge remittances and that includes access line
8 or market share information of an individual service provider is
9 confidential and not available for public inspection.

10 (c) This section shall be interpreted to provide protection
11 relating to confidentiality and immunity and protection from
12 liability with at least the same scope and to at least the same
13 extent as described by federal law, including 47 U.S.C. Section
14 615a and 47 U.S.C. Section 1472.

15 SECTION 5. Section 772.001(6), Health and Safety Code, is
16 amended to read as follows:

17 (6) "9-1-1 service" means a communications
18 [~~telecommunications~~] service that connects users [~~through which~~
19 ~~the user of a public telephone system has the ability~~] to [~~reach~~] a
20 public safety answering point through a 9-1-1 system [~~by dialing~~
21 ~~the digits 9-1-1~~].

22 SECTION 6. Sections 42.061(a), (b), and (c), Penal Code,
23 are amended to read as follows:

24 (a) In this section "9-1-1 service" and "public safety
25 answering point" or "PSAP" have the meanings assigned by Section
26 771.001 [~~772.001~~], Health and Safety Code.

27 (b) A person commits an offense if the person makes a

1 ~~[telephone]~~ call to a 9-1-1 service, or requests 9-1-1 service
2 using an electronic communications device, when there is not an
3 emergency and knowingly or intentionally:

4 (1) remains silent; or

5 (2) makes abusive or harassing statements to a PSAP
6 employee.

7 (c) A person commits an offense if the person knowingly
8 permits an electronic communications device, including a
9 telephone, under the person's control to be used by another person
10 in a manner described in Subsection (b).

11 SECTION 7. The heading to Section 42.062, Penal Code, is
12 amended to read as follows:

13 Sec. 42.062. INTERFERENCE WITH EMERGENCY REQUEST FOR
14 ASSISTANCE ~~[TELEPHONE CALL]~~.

15 SECTION 8. Sections 42.062(a), (b), and (d), Penal Code,
16 are amended to read as follows:

17 (a) An individual commits an offense if the individual
18 knowingly prevents or interferes with another individual's ability
19 to place an emergency ~~[telephone]~~ call or to request assistance,
20 including a request for assistance using an electronic
21 communications device, in an emergency from a law enforcement
22 agency, medical facility, or other agency or entity the primary
23 purpose of which is to provide for the safety of individuals.

24 (b) An individual commits an offense if the individual
25 recklessly renders unusable an electronic communications device,
26 including a telephone, that would otherwise be used by another
27 individual to place an emergency ~~[telephone]~~ call or to request

1 assistance in an emergency from a law enforcement agency, medical
2 facility, or other agency or entity the primary purpose of which is
3 to provide for the safety of individuals.

4 (d) In this section, "emergency" means a condition or
5 circumstance in which any individual is or is reasonably believed
6 by the individual making a [~~telephone~~] call or requesting
7 assistance to be in fear of imminent assault or in which property is
8 or is reasonably believed by the individual making the [~~telephone~~]
9 call or requesting assistance to be in imminent danger of damage or
10 destruction.

11 SECTION 9. Section 772.401, Health and Safety Code, is
12 repealed.

13 SECTION 10. Section 771.0512, Health and Safety Code, is
14 added to read as follows:

15 Section. 771.0512. OBLIGATIONS OR REQUIREMENTS CONCERNING
16 VOICE OVER INTERNET PROTOCOL, INTERNET PROTOCOL ENABLED SERVICE, OR
17 COMMERCIAL MOBILE SERVICE OR WIRELINE SERVICE

18 Defining "9-1-1 service" as a communications service and
19 other amendments effective September 1, 2013 do not expand or
20 change the authority or jurisdiction of a public agency or the
21 commission over commercial mobile service or wireline service
22 including Voice over Internet Protocol service or Internet Protocol
23 enabled service or expend the authority of a public agency or the
24 commission to assess 911 fees. Nothing in this Chapter affects
25 Section 52.002(d), Chapter 52, Texas Utilities Code. In this
26 section "Voice over Internet Protocol service," "Internet Protocol
27 enabled service" and "commercial mobile service" have the meanings

1 assigned by Sections 51.002 and 51.003, Chapter 51, Texas Utilities
2 Code.

3 SECTION 11. Section 772.003, Health and Safety Code, is
4 added to read as follows:

5 Section. 772.003. OBLIGATIONS OR REQUIREMENTS CONCERNING
6 VOICE OVER INTERNET PROTOCOL, INTERNET PROTOCOL ENABLED SERVICE, OR
7 COMMERCIAL MOBILE SERVICE OR WIRELINE SERVICE

8 Defining "9-1-1 service" as a communications service and
9 other amendments effective September 1, 2013 do not expand or
10 change the authority or jurisdiction of a public agency or the
11 commission over commercial mobile service or wireline service
12 including Voice over Internet Protocol service or Internet Protocol
13 enabled service or expand the authority of a public agency or the
14 commission to assess 911 fees. Nothing in this Chapter affects
15 Section 52.002(d), Chapter 52, Texas Utilities Code. In this
16 section "Voice over Internet Protocol service," "Internet Protocol
17 enabled service" and "commercial mobile service" have the meanings
18 assigned by Sections 51.002 and 51.003, Chapter 51, Texas Utilities
19 Code.

20 SECTION 12. The change in law made by this Act applies only
21 to an offense committed on or after the effective date of this Act.
22 An offense committed before the effective date of this Act is
23 governed by the law in effect on the date the offense was committed,
24 and the former law is continued in effect for that purpose. For
25 purposes of this section, an offense was committed before the
26 effective date of this Act if any element of the offense occurred
27 before that date.

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1 SECTION 13. This Act takes effect September 1, 2013.