

By: Villalba

H.B. No. 2918

A BILL TO BE ENTITLED

AN ACT

relating to the prosecution of the offense of interference with public duties; increasing a penalty.

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

SECTION 1. Section 38.15, Penal Code, is amended by amending Subsections (b) and (e) and adding Subsections (f) and (g) to read as follows:

(b) An offense under this section is a Class B misdemeanor, except that an offense under Subsection (a)(1) that is based on conduct described by Subsection (f)(2) is a Class A misdemeanor.

(e) In this section:

(1) "Emergency" [~~"emergency"~~] means a condition or circumstance in which an individual is or is reasonably believed by the person transmitting the communication to be in imminent danger of serious bodily injury or in which property is or is reasonably believed by the person transmitting the communication to be in imminent danger of damage or destruction.

(2) "News media" means:

(A) a radio or television station that holds a license issued by the Federal Communications Commission;

(B) a newspaper that is qualified under Section 2051.044, Government Code, to publish legal notices or is a free newspaper of general circulation and that is published at least once a week and available and of interest to the general public in

1 connection with the dissemination of news or public affairs; or

2 (C) a magazine that appears at a regular
3 interval, that contains stories, articles, and essays by various
4 writers, and that is available and of interest to the general public
5 in connection with the dissemination of news or public affairs.

6 (f) For purposes of Subsection (a)(1), an interruption,
7 disruption, impediment, or interference that occurs while a peace
8 officer is performing a duty or exercising authority imposed or
9 granted by law includes a person:

10 (1) filming, recording, photographing, or documenting
11 the officer within 25 feet of the officer; or

12 (2) filming, recording, photographing, or documenting
13 the officer within 100 feet of the officer while carrying a handgun
14 under the authority of Subchapter H, Chapter 411, Government Code.

15 (g) It is a defense to prosecution for an offense under
16 Subsection (a)(1) based on conduct described by Subsection (f)(2)
17 that the interruption, disruption, impediment, or interference was
18 caused by a person who, at the time of the offense, was:

19 (1) a news media employee acting in the course and
20 scope of the person's employment; or

21 (2) employed by or working with an organization or
22 entity engaged in law enforcement activities.

23 SECTION 2. The change in law made by this Act applies only
24 to an offense committed on or after the effective date of this Act.
25 An offense committed before the effective date of this Act is
26 governed by the law in effect on the date the offense was committed,
27 and the former law is continued in effect for that purpose. For

1 purposes of this section, an offense was committed before the
2 effective date of this Act if any element of the offense occurred
3 before that date.

4 SECTION 3. This Act takes effect September 1, 2015.