

1 HB263
2 147649-2
3 By Representative Wood
4 RFD: Public Safety and Homeland Security
5 First Read: 12-FEB-13

1 (b) Except as provided in subsection (c), a person
2 commits the offense of interference with public safety
3 communication if the person does any of the following:

4 (1) Knowingly and intentionally displaces, damages,
5 removes, injures, tampers with, destroys, or renders
6 inoperable any transmitter, receiver, transceiver, tower or
7 antenna, or any cable, telegraph or telephone line, wire,
8 fiber, pole, or conduit belonging to, required, used, or
9 intended to be used for public safety communication, or
10 material or property appurtenant thereto.

11 (2) Knowingly and intentionally displaces, damages,
12 removes, injures, tampers with, destroys, or renders
13 inoperable any audible or visual device or outdoor speaker or
14 siren which is intended to indiscriminately provide or
15 generate mass notification, alert, or warning of persons in
16 the event of an emergency, or the material or property
17 appurtenant thereto.

18 (3) Knowingly and intentionally interferes with the
19 transmission or reception of any data, communication, message,
20 or public safety communication by any law enforcement, fire
21 service, or emergency service agency in order to hinder the
22 agency in the fulfillment of its duties.

23 (4) Knowingly and intentionally operates, or permits
24 to be operated, any apparatus in his or her possession, or
25 under his or her direct or indirect control, which is capable
26 of transmitting radio signals that interfere with or cause
27 disruption of a public safety communication.

1 (5) Knowingly and intentionally intercepts any
2 transmission of a public safety communication which is
3 encrypted for the purpose of preventing the unauthorized
4 access to sensitive information.

5 (c) Subsection (b) does not apply to any of the
6 following:

7 (1) A certified law enforcement officer acting under
8 color of law in performance of his or her duties.

9 (2) Any officer, operator, employee, or agent acting
10 in an official capacity on behalf of an agency, authority, or
11 organization which maintains or oversees public safety
12 communication activities or equipment.

13 (3) A person who has permission in writing from the
14 head of a law enforcement, fire service, public safety, or
15 emergency service agency or organization to possess and use
16 any radio transceiver or apparatus capable of transmitting or
17 receiving messages or signals within a wavelength, channel, or
18 talkgroup assigned to the agency granting the permission.

19 (4) Any utility personnel acting within the scope of
20 his or her duties.

21 (d) It shall be the duty of any law enforcement
22 officer to seize and hold for evidence any equipment possessed
23 or used in violation of this section, and upon conviction of
24 the person possessing or using the equipment, the court shall
25 order such equipment destroyed or forfeited to the State of
26 Alabama or to the authorized jurisdiction making the arrest
27 and prosecution of the offense.

1 (e) Interference with public safety communication is
2 a Class C Felony.

3 Section 2. Although this bill would have as its
4 purpose or effect the requirement of a new or increased
5 expenditure of local funds, the bill is excluded from further
6 requirements and application under Amendment 621 because the
7 bill defines a new crime or amends the definition of an
8 existing crime.

9 Section 3. This act shall become effective on the
10 first day of the third month following its passage and
11 approval by the Governor, or its otherwise becoming law.

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House of Representatives

Read for the first time and re-
ferred to the House of Representa-
tives committee on Public Safety
and Homeland Security..... 12-FEB-13

Read for the second time and placed
on the calendar 1 amendment 28-FEB-13

Read for the third time and passed
as amended..... 25-APR-13

Yeas 95, Nays 0, Abstains 1

Jeff Woodard
Clerk