

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

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8 SYNOPSIS: This bill would establish the crime of  
9 interference with public safety communication if a  
10 person damages public safety communication  
11 equipment or otherwise interferes with a public  
12 safety telecommunication broadcast or transmission.  
13 A violation would be a Class C felony.

14 Amendment 621 of the Constitution of Alabama  
15 of 1901, now appearing as Section 111.05 of the  
16 Official Recompilation of the Constitution of  
17 Alabama of 1901, as amended, prohibits a general  
18 law whose purpose or effect would be to require a  
19 new or increased expenditure of local funds from  
20 becoming effective with regard to a local  
21 governmental entity without enactment by a 2/3 vote  
22 unless: it comes within one of a number of  
23 specified exceptions; it is approved by the  
24 affected entity; or the Legislature appropriates  
25 funds, or provides a local source of revenue, to  
26 the entity for the purpose.

1                   The purpose or effect of this bill would be  
2                   to require a new or increased expenditure of local  
3                   funds within the meaning of the amendment. However,  
4                   the bill does not require approval of a local  
5                   governmental entity or enactment by a 2/3 vote to  
6                   become effective because it comes within one of the  
7                   specified exceptions contained in the amendment.

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9                   A BILL  
10                   TO BE ENTITLED  
11                   AN ACT

12  
13                   Relating to crimes and offenses; to establish the  
14                   crime of interference with public safety communication; to  
15                   provide penalties; and in connection therewith would have as  
16                   its purpose or effect the requirement of a new or increased  
17                   expenditure of local funds within the meaning of Amendment 621  
18                   of the Constitution of Alabama of 1901, now appearing as  
19                   Section 111.05 of the Official Recompilation of the  
20                   Constitution of Alabama of 1901, as amended.

21                   BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

22                   Section 1. (a) For the purposes of this act, a  
23                   "public safety communication" means any radio signal,  
24                   electronic transmission, or broadcast, intended for law  
25                   enforcement, fire service, or emergency personnel acting in an  
26                   official capacity under color of law, which is transmitted or  
27                   received by any equipment or system capable of either

1 receiving or transmitting radio signals or other electronic  
2 transmissions on a wavelength, frequency, or channel allocated  
3 by the Federal Communications Commission or otherwise for use  
4 by law enforcement, fire service, or emergency personnel.

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

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

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

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

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

6           (5) Knowingly and intentionally intercepts any  
7 transmission of a public safety communication which is  
8 encrypted for the purpose of preventing the unauthorized  
9 access to sensitive information.

10           (c) Subsection (b) does not apply to any of the  
11 following:

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

14           (2) Any officer, operator, employee, or agent acting  
15 in an official capacity on behalf of an agency, authority, or  
16 organization which maintains or oversees public safety  
17 communication activities or equipment.

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

24           (d) It shall be the duty of any law enforcement  
25 officer to seize and hold for evidence any equipment possessed  
26 or used in violation of this section, and upon conviction of  
27 the person possessing or using the equipment, the court shall

1 order such equipment destroyed or forfeited to the State of  
2 Alabama or to the authorized jurisdiction making the arrest  
3 and prosecution of the offense.

4 (e) Interference with public safety communication is  
5 a Class C Felony.

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

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