

- SUBJECT: Offense for interfering with an emergency telephone call
- COMMITTEE: Criminal Jurisprudence — favorable, without amendment
- VOTE: 7 ayes — Hinojosa, Dunnam, Keel, Garcia, Green, Kitchen, Martinez Fischer
0 nays
2 absent — Talton, Shields
- SENATE VOTE: On final passage, March 5 – voice vote
- WITNESSES: (*On House companion bill, HB 364:*)
For — Bree Buchanan, Texas Council on Family Violence; Steve Lyons, Houston Police Department; Debborah Chalmers; *Registered but did not testify*: Tom Mann, Texas Police Chiefs Association; Connie D. Sloan, Domestic Violence Prevention; Alicia Nuzzie and Jennifer Lawson, Houston Area Women’s Center; Mike Denton; Jennifer Soliz; Cheryl Milam
Against — None
- BACKGROUND: Penal Code, sec. 38.15 makes it a Class B misdemeanor (punishable by up to 180 days in jail and/or a maximum fine of \$2,000) to interfere with, interrupt, impede, or disrupt the transmission of a communication over a citizen’s band (CB) radio channel when the purpose of the communication is to inform or inquire about an emergency. No equivalent law exists for interfering with an emergency telephone call.
- DIGEST: SB 18 would make interference with an emergency telephone call a criminal offense if a person:
- ! knowingly prevented or interfered with another’s ability to place an emergency telephone call or request assistance in an emergency from a law enforcement agency, medical facility, or other agency whose primary purpose was to provide for people’s safety; or
 - ! recklessly rendered unusable a telephone that otherwise would be used by another to place an emergency telephone call or to request assistance

in an emergency from a law enforcement agency, medical facility, or other agency whose primary purpose was to provide for people's safety.

This offense would be a Class A misdemeanor, punishable by up to one year in jail and/or a maximum fine of \$4,000. If the person previously had been convicted of this offense, a repeat offense would be a state-jail felony, punishable by 180 days to two years in a state jail and an optional fine of up to \$10,000.

The bill would define "emergency" as a condition or circumstance in which any person was or was reasonably believed by the person making a telephone call to be in imminent danger of serious bodily injury or in which property was in immediate danger of damage or destruction or was reasonably believed to be in immediate danger by the person making the telephone call.

The bill would take effect September 1, 2001.

**SUPPORTERS
SAY:**

Law enforcement officials need an additional tool to deal with family violence offenders. Creating an offense for interfering with an emergency telephone call would help prosecutors take these offenders to court. Often, battered women are too frightened to testify against their abusers and do not press charges. If the arresting officer does not see enough evidence of physical abuse, even though he or she is sure it has occurred, the officer's testimony is not adequate to obtain a conviction. If SB 18 were enacted, the officer could take note of the fact that a telephone cord had been ripped out of the wall, and even if the abused woman refused to press charges, the abuser still could be held accountable.

The incidence of batterers cutting telephone lines or ripping phones out of walls to prevent the people they abuse from being able to call the police for help is surprisingly high. One Houston police officer studied an area covering one-eighth of Houston for a 10-month period and found that 105 family violence incidents involved a batterer interfering with an emergency phone call. Batterers control their victims in part by silencing them, whether by threatening them not to use a telephone or by taking the telephone away.

SB 18 would align with the current statute creating a Class B misdemeanor for interfering with an emergency transmission over a CB radio. It is appropriate that the offense of interfering with an emergency telephone call carry a greater penalty, because in these cases, the perpetrator of a crime is the one most likely to disconnect the victim's call for help.

OPPONENTS
SAY:

SB 18 could lead to people being punished unfairly. It can be difficult to ascertain the circumstances in which someone may have unplugged a telephone. If police were called to a residence where a married couple was arguing loudly and found that a telephone were unplugged, officers unfairly could assume that the husband had prevented his wife from making an emergency telephone call if there were no other evidence to that effect. This bill also could enable an angry spouse or household member to see that another faced criminal charges, even if no crime occurred. If the purpose of this bill is to ensure that people are prosecuted for battery, it should be drawn more narrowly to remove the possibility that innocent people might face criminal charges.