

BILL ANALYSIS

Senate Research Center

H.B. 3373
By: Yarbrough (Whitmire)
Criminal Justice
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Engrossed

DIGEST

Currently, Section 16.02(b), Penal Code, provides that it is unlawful for a person to intercept, use, or disclose wire, oral, or electronic communication. Tow truck drivers in Houston have purchased and used software that allowed them to listen in and monitor the transmissions from the mobil data terminals of the police and fire departments in order for these companies to gain an advantage over their competitors. Section 16.02(c)(8)(C), Penal Code, provides an affirmative defense to Section 16.02(b), Penal Code, for a person who intercepts radio communications that is transmitted by a governmental, law enforcement, civil defense, private land mobile, or public safety communications system that is readily accessible to the general public. The transmission over the mobil data terminals in police and fire department vehicles are accessible to the general public, therefore entities such as tow-truck companies that are using this information for their own financial gain have an affirmative defense under Section 16.02, Penal Code. This bill would amend Section 16.02, Penal Code, to provide an affirmative defense to prosecution under Subsection (b) to a person who intercepts radio communication that is transmitted by a governmental, law enforcement, civil defense, private land mobile, or public safety communications system that is readily accessible to the general public, unless that person who intercepts the radio communication discloses or transmits any information other than vehicle accident reports.

PURPOSE

As proposed, H.B. 3373 amends Section 16.02, Penal Code, to provide that it is an affirmative defense to prosecution under Subsection (b) that a person intercepts radio communication that is transmitted by a governmental, law enforcement, civil defense, private land mobile, or public safety communications system that is readily accessible to the general public, unless the person who intercepts a radio communication discloses or transmits any information other than vehicle accident reports.

RULEMAKING AUTHORITY

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 16.02(c), Penal Code, to provide that it is an affirmative defense to prosecution under Subsection (b) that, among other options, a person intercepts radio communication that is transmitted by a governmental, law enforcement, civil defense, private land mobile, or public safety communications system that is readily accessible to the general public, unless the person who intercepts a radio communication discloses or transmits any information other than vehicle accident reports.

SECTION 2. Effective date: September 1, 1997.
Makes application of this Act prospective.

SECTION 3. Emergency clause.