

## BILL ANALYSIS

Senate Research Center

S.B. 1273  
By: Carona  
Criminal Justice  
8/5/2009  
Enrolled

### AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Theft of emergency-use radio equipment directly interferes with emergency response and law enforcement efforts. At times, radio equipment is stolen during an emergency and used to disrupt or jam radio frequencies being used by emergency responders. This poses a significant problem for emergency responders and law enforcement.

Property theft under the Penal Code provides for a range of penalties (from a Class C misdemeanor to first degree felony) based on the value of the items stolen, past criminal offenses, and certain other factors.

S.B. 1273 amends current law relating to creating an offense for interference with certain radio frequencies.

### RULEMAKING AUTHORITY

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

### SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 38, Penal Code, by adding Section 38.152, as follows:

Sec. 38.152. INTERFERENCE WITH RADIO FREQUENCY LICENSED TO GOVERNMENT ENTITY. (a) Provides that a person commits an offense if, without the effective consent of the law enforcement agency, fire department, or emergency medical services provider, the person intentionally interrupts, disrupts, impedes, jams, or otherwise interferes with a radio frequency that is licensed by the Federal Communications Commission to a government entity and is used by the law enforcement agency, fire department, or emergency medical services provider.

(b) Provides that an offense under this section is a Class A misdemeanor, except that the offense is a state jail felony if the actor committed the offense with the intent to facilitate the commission of another offense or interfere with the ability of a law enforcement agency, a fire department, or an emergency medical services provider to respond to an emergency.

(c) Defines "emergency," "emergency medical services provider," and "law enforcement agency."

(d) Authorizes the actor to be prosecuted under this section or under both sections if conduct constituting an offense under this section also constitutes an offense under another section of this code.

SECTION 2. Effective date: September 1, 2009.