

1 HB54  
2 156560-4  
3 By Representative Wood  
4 RFD: Public Safety and Homeland Security  
5 First Read: 14-JAN-14  
6 PFD: 11/18/2013

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ENROLLED, An Act,

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

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. (a) For the purposes of this act, a "public safety communication" means any radio signal, electronic transmission, telephone communication, or broadcast, intended for law enforcement, fire service, 911 personnel, or emergency personnel acting in an official capacity under color of law, which is transmitted or received by any equipment or system capable of either receiving or transmitting telephone communication, radio signals or other electronic transmissions on a wavelength, frequency, or channel allocated by the Federal Communications Commission or otherwise for use by law enforcement, fire service, 911 personnel, or emergency personnel.

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, or  
8 equipment, wire, fiber, pole, computer equipment,  
9 telecommunication switch, dispatching equipment, or conduit  
10 belonging to, required, used, or intended to be used for  
11 public safety communication, or material or property  
12 appurtenant thereto.

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

20           (3) Knowingly and intentionally interferes with the  
21 transmission or reception of any data, communication, message,  
22 or public safety communication by any law enforcement, fire  
23 service, 911 personnel, or emergency service agency in order  
24 to hinder the 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 or telephone communications that  
5 interfere with or cause disruption of a public safety  
6 communication.

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

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

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

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

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

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

3           (5) Any wireless telecommunications carrier employee  
4 acting within the scope of his or her duties or in good faith  
5 reliance on an intercept court order.

6           (d) It shall be the duty of any law enforcement  
7 officer to seize and hold for evidence any equipment possessed  
8 or used in violation of this section, and upon conviction of  
9 the person possessing or using the equipment, the court shall  
10 order such equipment destroyed or forfeited to the State of  
11 Alabama or to the authorized jurisdiction making the arrest  
12 and prosecution of the offense.

13           (e) Interference with public safety communication is  
14 a Class C Felony.

15           Section 2. Although this bill would have as its  
16 purpose or effect the requirement of a new or increased  
17 expenditure of local funds, the bill is excluded from further  
18 requirements and application under Amendment 621 because the  
19 bill defines a new crime or amends the definition of an  
20 existing crime.

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

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Speaker of the House of Representatives

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President and Presiding Officer of the Senate

House of Representatives

I hereby certify that the within Act originated in  
and was passed by the House 04-FEB-14, as amended.

Jeff Woodard  
Clerk

Senate	18-MAR-14	Amended and Passed
House	19-MAR-14	Concurred in Senate Amendment