

1 HB114
2 156327-1
3 By Representative Wood
4 RFD: Judiciary
5 First Read: 14-JAN-14
6 PFD: 01/10/2014

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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, telephone communication, or
25 broadcast, intended for law enforcement, fire service, 911
26 personnel, or emergency personnel acting in an official
27 capacity under color of law, which is transmitted or received

1 by any equipment or system capable of either receiving or
2 transmitting telephone communication, radio signals or other
3 electronic transmissions on a wavelength, frequency, or
4 channel allocated by the Federal Communications Commission or
5 otherwise for use by law enforcement, fire service, 911
6 personnel, or emergency personnel.

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

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

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

26 (3) Knowingly and intentionally interferes with the
27 transmission or reception of any data, communication, message,

1 or public safety communication by any law enforcement, fire
2 service, 911 personnel, or emergency service agency in order
3 to hinder the agency in the fulfillment of its duties.

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

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

14 (c) Subsection (b) does not apply to any of the
15 following:

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

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

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

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

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

10 (e) Interference with public safety communication is
11 a Class C Felony.

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

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