

1 HB54
2 147649-4
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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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, or broadcast, intended for law
25 enforcement, fire service, or emergency personnel acting in an
26 official capacity under color of law, which is transmitted or
27 received by any equipment or system capable of either

1 receiving or transmitting radio signals or other electronic
2 transmissions on a wavelength, frequency, or channel allocated
3 by the Federal Communications Commission or otherwise for use
4 by law enforcement, fire service, or emergency personnel.

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

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

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

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

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

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

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

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

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

24 (4) Any utility personnel acting within the scope of
25 his or duties.

26 (d) It shall be the duty of any law enforcement
27 officer to seize and hold for evidence any equipment possessed

1 or used in violation of this section, and upon conviction of
2 the person possessing or using the equipment, the court shall
3 order such equipment destroyed or forfeited to the State of
4 Alabama or to the authorized jurisdiction making the arrest
5 and prosecution of the offense.

6 (e) Interference with public safety communication is
7 a Class C Felony.

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

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