

Fee
CWA

Chapter 1222

AN ACT

1
2 relating to creating an offense for interference with certain radio
3 frequencies.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Chapter 38, Penal Code, is amended by adding
6 Section 38.152 to read as follows:

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

15 (b) An offense under this section is a Class A misdemeanor,
16 except that the offense is a state jail felony if the actor
17 committed the offense with the intent to:

- 18 (1) facilitate the commission of another offense; or
19 (2) interfere with the ability of a law enforcement
20 agency, a fire department, or an emergency medical services
21 provider to respond to an emergency.

22 (c) In this section:

- 23 (1) "Emergency" has the meaning assigned by Section
24 38.15.

1 (2) "Emergency medical services provider" has the
2 meaning assigned by Section 773.003, Health and Safety Code.

3 (3) "Law enforcement agency" has the meaning assigned
4 by Article 59.01, Code of Criminal Procedure.

5 (d) If conduct constituting an offense under this section
6 also constitutes an offense under another section of this code, the
7 actor may be prosecuted under either section or under both
8 sections.

9 SECTION 2. This Act takes effect September 1, 2009.

Re
CWA

S.B. No. 1273

David Newkum
President of the Senate

Jim Strawn
Speaker of the House

I hereby certify that S.B. No. 1273 passed the Senate on April 23, 2009, by the following vote: Yeas 30, Nays 0; May 29, 2009, Senate refused to concur in House amendments and requested appointment of Conference Committee; May 30, 2009, House granted request of the Senate; May 31, 2009, Senate adopted Conference Committee Report by the following vote: Yeas 31, Nays 0.

Darcy Spaw
Secretary of the Senate

I hereby certify that S.B. No. 1273 passed the House, with amendments, on May 27, 2009, by the following vote: Yeas 148, Nays 0, one present not voting; May 30, 2009, House granted request of the Senate for appointment of Conference Committee; May 31, 2009, House adopted Conference Committee Report by the following vote: Yeas 140, Nays 0, two present not voting.

Robert Haney
Chief Clerk of the House

Approved:

19 JUN '09
Date

Rick Perry
Governor

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
2PM O'CLOCK

JUN 19 2009

Colby Shuter III