

FACT SHEET

Act 2014-239 (HB 54 Wood)

Interference with Public Safety Communication

Effective June 1, 2014 (Not codified as of Aug. 8, 2014)

Act 2014-239 created the crime of **interference with public safety communication** which is a Class C Felony.

- Class C felonies are punishable by prison time of 1 year and 1 day up to 10 years and/or a fine of not more than \$15,000.

Public safety communication is any radio signal, electronic transmission, telephone communication, or broadcast that is intended for law enforcement, fire service, 911 or emergency personnel acting under color of law which is transmitted or received by equipment capable of transmitting or receiving these types of communications by law enforcement, fire service, 911 or emergency personnel.

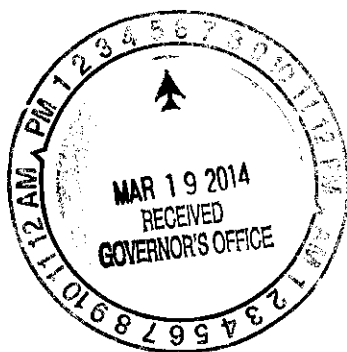
5 ways to “knowingly and intentionally” commit this crime

1. **Harm equipment and property used for public safety communication**
Displaces, damages, removes, injures, tampers with, destroys, or renders inoperable any of the following property used for public safety communication: *transmitter, receiver, transceiver, tower, antenna, cable, telegraph line, telephone line, wire, fiber, pole, computer equipment, telecommunication switch, dispatching equipment, conduit or related material or property*. This property does **not** have to be owned by the public safety agency.
2. **Harm equipment and property used for emergency notification**
Displaces, damages, removes, injures, tampers with, destroys, or renders inoperable any of the following property used for audio or visual emergency notification: *device, outdoor speaker, siren or related material or property*
3. **Hinder public safety work by interfering with sending/receiving communication**
Interferes with the transmission or reception of any communication (data, communication, message, or public safety communication) by any law enforcement, fire service, 911 personnel, or emergency service agency for the purpose of hindering the agency.
4. **Interfere with public safety communication using technology**
Operates, or permits to be operated, any apparatus in his or her possession, or under his or her direct or indirect control, which is capable of transmitting radio signals or telephone communications that interfere with or cause disruption of a public safety communication.
5. **Intercept encrypted communication**
Intercepts any transmission of a public safety communication which is encrypted for the purpose of preventing the unauthorized access to sensitive information.

Law contains exclusions for law enforcement, maintenance and utility workers.

ACT #2014-239

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

Kay Ivey

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	<u>18-MAR-14</u>	Amended and Passed
House	<u>19-MAR-14</u>	Concurred in Sen- ate Amendment

APPROVED April 2, 2014

TIME 8:03 a.m.

Robert Bentley
GOVERNOR

Alabama Secretary Of State

Act Num....: 2014-239
Bill Num...: H-54

Recv'd 04/02/14 10:26amSLF

I HEREBY CERTIFY THAT THE RESOLUTION AS REQUIRED IN SECTION C OF ACT NO. 81-889 WAS ADOPTED AND IS ATTACHED TO THE BILL, H.B. 54
YEAS 92 NAYS 0

JEFF WOODARD, Clerk

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H.B. AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JEFF WOODARD, Clerk

CONFERENCE COMMITTEE

House Conferees _____

DATE:

2-6

RD 1 RFD

Judy

This Bill was referred to the State Committee of the Senate on

and was acted upon by such Comm session and is by order of the Comm returned therefrom with a favorable w/amend(s) by a year nays abstain

this day of February, by Chairp

DATE: 2-26

RF FAV AND (1)

DATE:

RE-REFERRED RE-COMMITTEE Committee _____

I hereby certify that the Resolution required in Section C of Act No. 81 was adopted and is attached to the HB 54.

YEAS 28 NAYS 0

PATRICK HARRIS

Secretary

FURTHER SENATE ACTION (OVER)

Excerpts from Act 2014-431 (SB 317 Marsh)

(Effective April 10, 2014. Not codified as of Aug. 8, 2014.)

Amendment to Section 11-98-1, Code of Alabama 1975

" (16) SUBSCRIBER. A person who purchases or subscribes to a voice communications service and is able to receive it or use it periodically over time; provided, however, that for purposes of the imposition and collection of the statewide 911 charge the term subscriber shall not include the State of Alabama, the counties within the state, incorporated municipalities of the State of Alabama, county and city school boards, independent school boards, and all educational institutions and agencies of the State of Alabama, the counties within the state, or any incorporated municipalities of the State of Alabama.]

Amendment to Section 11-98-4.1, Code of Alabama 1975

" (d) For all terms expiring after June 1, 2014, the governmental entities or industry groups identified in subsection (a) shall recommend at least two different persons for each board position for which they are charged with making a recommendation, with the Governor appointing a member from among such recommended candidates. For all terms expiring

Amendment to Section 11-98-5, Code of Alabama 1975

"(a) A single, monthly statewide 911 charge shall be imposed on each active voice communications service connection in Alabama that is technically capable of accessing a 911 system. For each digital transmission link, including primary rate interface service or Digital Signal-1 (DS-1) level service, or equivalent, that can be channelized and split into 23 or 24 voice-grade or data-grade channels for voice communications, a subscriber shall be assessed on the number of channels configured for or capable of accessing a 911 system. If the number of such channels so configured is not readily determinable, the service charge per DS-1, or equivalent, shall be assessed on 23 voice communications service connections. The 911 Board shall also establish a maximum number of wireline 911 charges to be imposed at a single subscriber location for bills rendered on or after January 1, 2015, following the same procedures and deadlines provided in this subsection for a subsequent adjustment to the initial statewide 911 charge, which shall not be counted against the number of permitted rate adjustments during such fiscal year. For CMRS providers, the statewide 911 charge

