

## Senate Bill No. 282

### CHAPTER 111

An act to amend Sections 148 and 653t of the Penal Code, relating to crimes.

[Approved by Governor July 27, 1997. Filed with Secretary of State July 28, 1997.]

#### LEGISLATIVE COUNSEL'S DIGEST

SB 282, Leslie. Police: radio transmission: interference.

Existing law makes it a misdemeanor to willfully obstruct any peace officer in the discharge of his or her duty. Existing law also generally makes it a misdemeanor to knowingly and maliciously interrupt, disrupt, impede, or otherwise interfere with the transmission of a communication over an amateur or a citizen's band radio frequency, the purpose of which communication is to inform or inquire about an emergency.

This bill would make it a misdemeanor to knowingly and maliciously interrupt, disrupt, impede, or otherwise interfere with the transmission of a communication over a police radio frequency. This bill would make it a felony to knowingly and maliciously interrupt, disrupt, impede, or otherwise interfere with the transmission of an emergency communication over a police radio frequency when that offense results in serious bodily injury or property loss in excess of \$10,000. By creating new crimes, this bill would impose a state-mandated local program upon local government.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

*The people of the State of California do enact as follows:*

SECTION 1. Section 148 of the Penal Code is amended to read:

148. (a) (1) Every person who willfully resists, delays, or obstructs any public officer, peace officer, or an emergency medical technician, as defined in Division 2.5 (commencing with Section 1797) of the Health and Safety Code, in the discharge or attempt to discharge any duty of his or her office or employment, when no other punishment is prescribed, shall be punished by a fine not exceeding



one thousand dollars (\$1,000), or by imprisonment in a county jail not exceeding one year, or by both that fine and imprisonment.

(2) Except as provided by subdivision (d) of Section 653t, every person who knowingly and maliciously interrupts, disrupts, impedes, or otherwise interferes with the transmission of a communication over a police radio frequency shall be punished by a fine not exceeding one thousand dollars (\$1,000), imprisonment in a county jail not exceeding one year, or by both that fine and imprisonment.

(b) Every person who, during the commission of any offense described in subdivision (a), removes or takes any weapon, other than a firearm, from the person of, or immediate presence of, a public officer or peace officer shall be punished by imprisonment in the county jail not to exceed one year, or in the state prison.

(c) Every person who, during the commission of any offense described in subdivision (a), removes or takes a firearm from the person of, or immediate presence of, a public officer or peace officer is guilty of a felony.

(d) Every person who, during the commission of any offense described in subdivision (a), attempts to remove or take a firearm from the person of, or immediate presence of, a public officer or peace officer is guilty of a public offense and shall be punished by imprisonment in a county jail not to exceed one year or in the state prison.

In order to prove a violation of this subdivision, the prosecution shall establish that the defendant had the specific intent to remove or take the firearm by demonstrating that any of the following direct, but ineffectual, acts occurred:

- (1) The officer's holster strap was unfastened by the defendant.
- (2) The firearm was partially removed from the officer's holster by the defendant.
- (3) The firearm safety was released by the defendant.
- (4) An independent witness corroborates that the defendant stated that he or she intended to remove the firearm and the defendant actually touched the firearm.
- (5) An independent witness corroborates that the defendant actually had his or her hand on the firearm and tried to take the firearm away from the officer who was holding it.
- (6) The defendant's fingerprint was found on the firearm or holster.
- (7) Physical evidence authenticated by a scientifically verifiable procedure established that the defendant touched the firearm.
- (8) In the course of any struggle, the officer's firearm fell and the defendant attempted to pick it up.

(e) A person may not be convicted of a violation of subdivision (a) in addition to a conviction of a violation of subdivision (b), (c), or (d) when the resistance, delay, or obstruction was committed against the same public officer, peace officer, or emergency medical technician.



Multiple convictions under this section may take place when more than one public officer, peace officer, or emergency medical technician are victims.

SEC. 2. Section 653t of the Penal Code is amended to read:

653t. (a) A person commits a public offense if the person knowingly and maliciously interrupts, disrupts, impedes, or otherwise interferes with the transmission of a communication over an amateur or a citizen's band radio frequency, the purpose of which communication is to inform or inquire about an emergency.

(b) For purposes of this section, "emergency" means a condition or circumstance in which an individual is or is reasonably believed by the person transmitting the communication to be in imminent danger of serious bodily injury, in which property is or is reasonably believed by the person transmitting the communication to be in imminent danger of extensive damage or destruction, or in which that injury or destruction has occurred and the person transmitting is attempting to summon assistance.

(c) A violation of subdivision (a) is a misdemeanor punishable by a fine not to exceed one thousand dollars (\$1,000), by imprisonment in a county jail not to exceed six months, or by both, unless, as a result of the commission of the offense, serious bodily injury or property loss in excess of ten thousand dollars (\$10,000) occurs, in which event the offense is a felony.

(d) Any person who knowingly and maliciously interrupts, disrupts, impedes, or otherwise interferes with the transmission of an emergency communication over a police radio frequency, when the offense results in serious bodily injury or property loss in excess of ten thousand dollars (10,000), is guilty of a felony.

SEC. 3. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

Notwithstanding Section 17580 of the Government Code, unless otherwise specified, the provisions of this act shall become operative on the same date that the act takes effect pursuant to the California Constitution.

