

**Ala. Code 1975, § 13A-10-16**

**Interference with Public Safety Communication**

The Defendant is charged with interference with public safety communication.

A person commits the crime of interference with public safety communication when he/she: **[Read all appropriate]:**

- (1) Knowingly and intentionally displaces, damages, removes, injures, tampers with, destroys, or renders inoperable any transmitter, receiver, transceiver, tower or antenna, or any cable, telegraph or telephone line, or equipment, wire, fiber, pole, computer equipment, telecommunication switch, dispatching equipment, or conduit belonging to, required, used, or intended to be used for public safety communication, or material or property appurtenant thereto;
- (2) Knowingly and intentionally displaces, damages, removes, injures, tampers with, destroys, or renders inoperable any audible or visual device or outdoor speaker or siren which is intended to indiscriminately provide or generate mass notification, alert, or warning of persons in the event of an emergency, or the material or property appurtenant thereto;
- (3) Knowingly and intentionally interferes with the transmission or reception of any data, communication, message, or public safety communication by any law enforcement, fire service, 911 personnel, or emergency service agency in order to hinder the agency in the fulfillment of its duties;
- (4) Knowingly and intentionally operates, or permits to be operated, any apparatus in his/her possession, or under his/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 or knowingly and intentionally intercepts any transmission of a public safety communication; **(OR)**
- (5) Knowingly and intentionally intercepts any transmission of a public safety communication which is encrypted for the purpose of preventing the unauthorized access to sensitive information.

To convict, the State must prove beyond a reasonable doubt each of the following elements:

- (1) The Defendant: **[Read all appropriate]:**
  - (a) Displaced, damaged, removed, injured, tampered with, destroyed, or rendered inoperable a transmitter, receiver, transceiver, tower or antenna, or any cable, telegraph or telephone line, or equipment,

wire, fiber, pole, computer equipment, telecommunication switch, dispatching equipment, or conduit belonging to, required, used, or intended to be used for public safety communication, or material or property appurtenant thereto;

- (b) Displaced, damaged, removed, injured, tampered with, destroyed, or rendered inoperable an audible or visual device or outdoor speaker or siren which was intended to indiscriminately provide or generate mass notification, alert, or warning of persons in the event of an emergency, or the material or property appurtenant thereto;
- (c) Interfered with the transmission or reception of any data, communication, message, or public safety communication by a law enforcement, fire service, 911 personnel, or emergency service agency in order to hinder the agency in the fulfillment of its duties;
- (d) Operated, or permitted to be operated, an apparatus in his/her possession, or under his/her direct or indirect control, which was capable of transmitting radio signals or telephone communications that interfere with or cause disruption of a public safety communication or intercepted any transmission of a public safety communication; **(OR)**
- (e) Intercepted a transmission of a public safety communication which was encrypted for the purpose of preventing the unauthorized access to sensitive information.

(2) The Defendant did so knowingly and intentionally.

*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. [13A-10-16(a)]

**[Read as appropriate]:** It is not a crime if the Defendant was: **[Read all appropriate]:**

- (1) A certified law enforcement officer acting under color of law in performance of his/her duties;

- (2) An officer, operator, employee, or agent acting in an official capacity on behalf of an agency, authority, or organization which maintains or oversees public safety communication activities or equipment;
- (3) A person who has permission in writing from the head of a law enforcement, fire service, public safety, or emergency service agency or organization to possess and use any radio transceiver or apparatus capable of transmitting or receiving messages or signals within a wavelength, channel, or talkgroup assigned to the agency granting the permission;
- (4) A utility personnel acting within the scope of his/her duties; **(OR)**
- (5) A wireless telecommunications carrier employee acting within the scope of his/her duties or in good faith reliance on an intercept court order.

A person acts *knowingly* with respect to conduct or to a circumstance described by a statute defining an offense when he/she is aware that his/her conduct is of that nature or that the circumstance exists. [13A-2-2(2)]

A person acts *intentionally* with respect to a result or to conduct described by a statute defining an offense, when his/her purpose is to cause that result or to engage in that conduct. [13A-2-2(1)]

If you find from the evidence that the State has proved beyond a reasonable doubt each of the above elements of interference with public safety communication, then you shall find the defendant guilty of interference with public safety communication.

If you find that the State has failed to prove any one or more of the elements of interference with public safety communication, then you cannot find the defendant guilty of interference with public safety communication.

**[If lesser-included offenses are included, the Court should instruct on those offenses at this point.]**

[Approved 8-20-15.]