

BILL ANALYSIS

Senate Research Center
78R1798 EMT-D

H.B. 778
By: Naishtat, Swinford (Nelson)
Administration
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Engrossed

DIGEST AND PURPOSE

Current law defines emergency as “imminent danger of serious bodily injury.” However, this places an individual in a dangerous position because a law enforcement officer can only intervene when there is an imminent danger to the individual’s safety. H.B. 778 amends the Penal Code to change the definition of an emergency from a situation in which a person is in imminent danger of serious bodily injury to a situation in which a person is in “fear of imminent assault.” The change provides greater protection for family violence victims attempting to call for emergency assistance by enabling officers to take action before the victim is seriously injured. The bill also allows an officer to arrest, without warrant, a person who prevents or interferes with another person’s ability to place a phone call in an emergency.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 42.062(d), Penal Code, to redefine “emergency.”

SECTION 2. Amends Article 14.03(a), Code of Criminal Procedure, to authorize a peace officer to arrest, without warrant, a person whom the peace officer has probable cause to believe prevented or interfered with another individual’s ability to place a telephone call in an emergency, as defined by Section 42.062(d), Penal Code, if the offense is not committed in the presence of the peace officer. Makes nonsubstantive changes.

SECTION 3. Effective date: September 1, 2003.
Makes application of this Act prospective.