

HOUSE BILL 2506

By Matlock

AN ACT to amend Tennessee Code Annotated, Title 39, Chapter 13, Part 6, relative to the possession of certain electronic devices.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 39, Chapter ,13 Part 6, is amended by adding the following as a new section:

Section 39-13-608.

(a) As used in this section, "radio" means any device capable of receiving a wireless voice transmission on any frequency allocated by the federal communications commission of the United States for police or other law enforcement, fire fighting, emergency medical, federal, state, local corrections or homeland security purposes, or any other device capable of transmitting and receiving a wireless voice transmission.

(b)

(1) It is an offense for a person who has one (1) or more prior felony convictions within the previous five (5) years to knowingly carry or possess a radio.

(2) This subsection does not apply to a person who is licensed as an amateur radio operator by the federal communications commission.

(c) It is an offense for a person to knowingly carry or possess a radio during the commission or attempted commission of a crime, or the immediate flight from the commission or attempted commission of a crime.

(d) It is an offense for a person to knowingly intercept any message or transmission made on or over any device used for police or other law enforcement, fire fighting, emergency medical, federal, state, local corrections or homeland security purposes, if the information intercepted is used:

(1) By that person, or another person who is the recipient of the information, to commit or facilitate the commission of, or attempt to commit, a crime, or the immediate flight there from; or

(2) In a manner which interferes with the discharge of police or other law enforcement, fire fighting, emergency medical, federal, state, local corrections or homeland security duties or purposes.

(e) This section shall not apply to the use of radar detectors.

(f)

(1) A violation of subsection (b) or (d) is a Class A misdemeanor.

(2) If the violation of subsection (c) occurs during the commission, attempted commission, or the immediate flight from the or attempted commission of a Class C or B misdemeanor, such violation is a Class A misdemeanor.

(3) If the violation of subsection (c) occurs during the commission, attempted commission, or the immediate flight from the commission or attempted commission of a Class A misdemeanor or any classification of felony, such violation is a Class E felony.

SECTION 2. This act shall take effect July 1, 2010, the public welfare requiring it.