

By Senator Bronson

18-772-00

1                                   A bill to be entitled  
2           An act relating to obstruction of justice;  
3           creating s. 843.167, F.S.; prohibiting the  
4           interception of police communications for  
5           certain purposes; prohibiting disclosure of  
6           police communications; providing presumptions;  
7           providing penalties; providing an effective  
8           date.

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10   Be It Enacted by the Legislature of the State of Florida:

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12           Section 1. Section 843.167, Florida Statutes, is  
13   created to read:

14           843.167 Unlawful use of police communications;  
15   enhanced penalties.--

16           (1) A person may not:

17           (a) Intercept any police radio communication by use of  
18   a scanner or any other means for the purpose of using that  
19   communication to assist in committing a crime or to escape  
20   from or avoid detection, arrest, trial, conviction, or  
21   punishment in connection with the commission of such crime.

22           (b) Divulge the existence, contents, substance,  
23   purport, effect, or meaning of a police radio communication to  
24   any person he or she knows to be a suspect in the commission  
25   of a crime with the intent that the suspect may escape from or  
26   avoid detection, arrest, trial, conviction, or punishment.

27           (2) Any person who is charged with a crime and who,  
28   during the time such crime was committed, possessed or used a  
29   police radio scanner or similar device capable of receiving  
30   police radio transmissions is presumed to have violated  
31   paragraph (1)(a).

1           (3) The penalty for a crime that is committed by a  
2 person who violates paragraph (1)(a) shall be enhanced as  
3 follows:

4           (a) A misdemeanor of the second degree shall be  
5 punished as if it were a misdemeanor of the first degree.

6           (b) A misdemeanor of the first degree shall be  
7 punished as if it were a felony of the third degree.

8           (c) A felony of the third degree shall be punished as  
9 if it were a felony of the second degree.

10           (d) A felony of the second degree shall be punished as  
11 if it were a felony of the first degree.

12           (e) A felony of the first degree shall be punished as  
13 if it were a life felony.

14           (4) Any person who violates paragraph (1)(b) commits a  
15 misdemeanor of the first degree, punishable as provided in  
16 section 775.082 or section 775.083, Florida Statutes.

17           Section 2. This act shall take effect July 1, 2000.

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20           SENATE SUMMARY

21           Prohibits a person from intercepting a police radio  
22 communication and provides that use or possession of a  
23 device capable of such interception during the commission  
of a crime may, and actual interception of a  
24 communication during the commission of the crime will,  
result in enhanced penalties for that crime. Provides  
25 penalties for divulging a police radio communication to a  
person known to be a suspect in a crime.