



## LEGAL PROTECTIONS FOR PUBLIC HEALTH OFFICIALS

### Texas Fact Sheet

## Interference with Public Duties


Nationwide, state and local public health officials working to protect the public from COVID-19 are on the receiving end of threatening and harassing conduct for simply fulfilling their duty to protect the public health. In response, the Network conducted research to examine whether the states and Washington, D.C., have criminal statutes punishing individuals who impede public health officials' duties with such behavior. Our research is presented in this [chart](#). Many states have adopted statutes to protect public officials generally; included here are those with broad enough language to include public health officials. However, we have also included the three states with laws that if broadened, would encompass public health officials, namely, Illinois, North Carolina, and Vermont. While 35 states and Washington, D.C., have such a statute, the remaining 15 states either do not have a statute protecting government officials in these circumstances or do not have one protecting public health officials. Of the 35 states and Washington, D.C., all but two, Louisiana and Oklahoma, include protections for state **and** local officials. Below is more information on Texas's relevant law.

### Texas Penal Code, § 38-15, Interference with Public Duties

(a) A person commits an offense if the person with criminal negligence interrupts, disrupts, impedes, or otherwise interferes with:

- (1) a peace officer while the peace officer is performing a duty or exercising authority imposed or granted by law;
- (2) a person who is employed to provide emergency medical services including the transportation of ill or injured persons while the person is performing that duty;
- (3) a fire fighter, while the fire fighter is fighting a fire or investigating the cause of a fire;
- (4) an animal under the supervision of a peace officer, corrections officer, or jailer, if the person knows the animal is being used for law enforcement, corrections, prison or jail security, or investigative purposes;
- (5) the transmission of a communication over a citizen's band radio channel, the purpose of which communication is to inform or inquire about an emergency;
- (6) an officer with responsibility for animal control in a county or municipality, while the officer is performing a duty or exercising authority imposed or granted under Chapter 821 or 822, Health and Safety Code; or
- (7) a person who:

- (A) has responsibility for assessing, enacting, or enforcing public health, environmental, radiation, or safety measures for the state or a county or municipality;
- (B) is investigating a particular site as part of the person's responsibilities under Paragraph (A);

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- (C) is acting in accordance with policies and procedures related to the safety and security of the site described by Paragraph (B); and
  - (D) is performing a duty or exercising authority imposed or granted under the Agriculture Code, Health and Safety Code, Occupations Code, or Water Code.

(b) An offense under this section is a Class B misdemeanor.

(c) It is a defense to prosecution under Subsection (a)(1) that the conduct engaged in by the defendant was intended to warn a person operating a motor vehicle of the presence of a peace officer who was enforcing Subtitle C, Title 7, Transportation Code.1

(d) It is a defense to prosecution under this section that the interruption, disruption, impediment, or interference alleged consisted of speech only.

(d-1) Except as provided by Subsection (d-2), in a prosecution for an offense under Subsection (a)(1), there is a rebuttable presumption that the actor interferes with a peace officer if it is shown on the trial of the offense that the actor intentionally disseminated the home address, home telephone number, emergency contact information, or social security number of the officer or a family member of the officer or any other information that is specifically described by Section 552.117(a), Government Code.

(d-2) The presumption in Subsection (d-1) does not apply to information disseminated by:

- (1) a radio or television station that holds a license issued by the Federal Communications Commission; or
- (2) a newspaper that is:
  - (A) a free newspaper of general circulation or qualified to publish legal notices;
  - (B) published at least once a week; and
  - (C) available and of interest to the general public.

(e) In 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 or in which property is or is reasonably believed by the person transmitting the communication to be in imminent danger of damage or destruction.

## Penalties

### ***Texas Penal Code, §12-22***

Up to 180 days imprisonment and/or fine up to \$2,000

## Summary

A person may be guilty of interfering with public duties if he/she disrupts, impedes, or interrupts a person performing a duty or exercising authority imposed or granted under the Health and Safety Code. This may apply to state or local actors. If convicted, a person faces up to 180 days imprisonment and/or fine up to \$2,000.

## Template for Notifying Violators

**Below is a sample template for notifying individuals regarding their conduct relative to the code.**

***Texas Penal Code, § 38-14*** prohibits interfering with public duties. [insert here a description of the conduct with a date—for example: On August 28, 2020, you sent an email to the Texas Secretary of Health, threatening harm if he imposed a mask mandate.] ***This may constitute a violation of § 38-14. If convicted, you face up to 180 days imprisonment and/or a fine of up to \$2,000.***

- If the conduct is extreme, add: *We have notified the [insert proper law enforcement agency] of this conduct.*



- If the conduct does not rise to the level of reporting, add: *Should you continue with this conduct, we may report the matter to [insert law enforcement agency].*