

HB78 INTRODUCED



1 HB78
2 GXVL626-1
3 By Representative Ensler
4 RFD: Judiciary
5 First Read: 06-Feb-24
6 PFD: 01-Feb-24



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SYNOPSIS:

Under existing law, it is unlawful for a person to knowingly make a false report or cause the transmission of a false report to a law enforcement agency. A violation is a Class A misdemeanor.

This bill would create the crime of swatting, to provide that it is unlawful for a person to knowingly report, or cause to be reported, false or misleading information regarding a crime or emergency to a law enforcement agency or an emergency service provider under circumstances where the false or misleading information is likely to cause a response from a law enforcement agency or an emergency service provider.

This bill would provide for penalties.

This bill would establish jurisdiction for violations.

This bill would also provide for restitution in certain circumstances.

Section 111.05 of the Constitution of Alabama of 2022, prohibits a general law whose purpose or effect would be to require a new or increased expenditure of local funds from becoming effective with regard to a local governmental entity without enactment by a 2/3 vote unless: it comes within one of a number of specified exceptions; it is approved by the affected



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29 entity; or the Legislature appropriates funds, or
30 provides a local source of revenue, to the entity for
31 the purpose.

32 The purpose or effect of this bill would be to
33 require a new or increased expenditure of local funds
34 within the meaning of the section. However, the bill
35 does not require approval of a local governmental
36 entity or enactment by a 2/3 vote to become effective
37 because it comes within one of the specified exceptions
38 contained in the section.

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A BILL

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TO BE ENTITLED

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AN ACT

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45 Relating to crimes and offenses; to add Section
46 13A-10-9.1 to the Code of Alabama 1975, to create the crime of
47 swatting; to provide that it is unlawful for a person to
48 knowingly report, or cause to be reported, false or misleading
49 information in certain circumstances; to establish criminal
50 penalties; to establish jurisdiction for violation; to provide
51 for restitution in certain circumstances; and in connection
52 therewith would have as its purpose or effect the requirement
53 of a new or increased expenditure of local funds within the
54 meaning of Section 111.05 of the Constitution of Alabama of
55 2022.

56 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:



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57 Section 1. Section 13A-10-9.1 is added to the Code of
58 Alabama 1975, to read as follows:

59 §13A-10-9.1

60 (a) For the purposes of this section, the following
61 terms have the following meanings:

62 (1) EMERGENCY. Either of the following:

63 a. Any condition that results in, or is likely to
64 result in, the response of a law enforcement agency or
65 emergency service provider acting in their official capacity.

66 b. Any condition that jeopardized or is likely to
67 jeopardize public safety and results in, or is likely to
68 result in, the evacuation of any area, building, structure, or
69 vehicle.

70 (2) EMERGENCY SERVICE PROVIDER. As defined in Section
71 11-98-1.

72 (3) LAW ENFORCEMENT AGENCY. As defined in Section
73 15-5-62.

74 (b) A person commits the crime of swatting if he or she
75 knowingly reports, or causes to be reported, false or
76 misleading information regarding a crime or emergency to a law
77 enforcement agency or emergency service provider under
78 circumstances where the false or misleading information is
79 likely to cause a response from a law enforcement agency or an
80 emergency service provider.

81 (1) A violation of this subsection is a Class A
82 misdemeanor if the false or misleading report is of a
83 misdemeanor offense or of an emergency.

84 (2) A violation of this subsection is a Class C felony



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85 if the false or misleading report is of a felony offense or
86 emergency.

87 (3) A violation of this subsection is a Class B felony
88 if the false or misleading report is of a felony offense or
89 emergency and the emergency response causes physical injury to
90 any person.

91 (4) A violation of this subsection is a Class A felony
92 if the false or misleading report is of a felony offense or
93 emergency and the emergency response causes serious physical
94 injury or death to any person.

95 (c) For the purposes of determining jurisdiction, a
96 violation of this section shall be considered to be committed
97 in any county (i) where the false or misleading report was
98 made, (ii) where the false or misleading report was received
99 by a law enforcement agency or emergency service provider, or
100 (iii) in which a law enforcement agency or emergency service
101 provider responded to the false or misleading report.

102 (d) Any person convicted of this section shall be
103 ordered to pay restitution to any individual who incurs
104 damages as a proximate result of responding to the false
105 report.

106 Section 2. Although this bill would have as its purpose
107 or effect the requirement of a new or increased expenditure of
108 local funds, the bill is excluded from further requirements
109 and application under Section 111.05 of the Constitution of
110 Alabama of 2022, because the bill defines a new crime or
111 amends the definition of an existing crime.

112 Section 3. This act shall become effective on October



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113 1, 2024.