

**HB78 ENGROSSED**



1 HB78  
2 6T9M33Z-2  
3 By Representative Ensler  
4 RFD: Judiciary  
5 First Read: 06-Feb-24  
6 PFD: 01-Feb-24



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A BILL  
TO BE ENTITLED  
AN ACT

Relating to crimes and offenses; to add Section 13A-10-9.1 to the Code of Alabama 1975, to 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 in certain circumstances; to establish criminal penalties; to establish venue for violations; to provide for restitution in certain circumstances; and in connection therewith would have as its purpose or effect the requirement of a new or increased expenditure of local funds within the meaning of Section 111.05 of the Constitution of Alabama of 2022.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

§13A-10-9.1

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

(1) EMERGENCY. Either of the following:

a. Any condition that results in, or is likely to



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29 result in, the response of a law enforcement agency or  
30 emergency service provider acting in their official capacity.

31 b. Any condition that jeopardized or is likely to  
32 jeopardize public safety and results in, or is likely to  
33 result in, the evacuation of any area, building, structure, or  
34 vehicle.

35 (2) EMERGENCY SERVICE PROVIDER. As defined in Section  
36 11-98-1.

37 (3) LAW ENFORCEMENT AGENCY. As defined in Section  
38 15-5-62.

39 (b) A person commits the crime of swatting if he or she  
40 knowingly reports, or causes to be reported, false or  
41 misleading information regarding a crime or emergency to a law  
42 enforcement agency or emergency service provider under  
43 circumstances where the false or misleading information is  
44 likely to cause a response from a law enforcement agency or an  
45 emergency service provider.

46 (1) A violation of this subsection is a Class A  
47 misdemeanor if the false or misleading report is of a  
48 misdemeanor offense.

49 (2) A violation of this subsection is a Class C felony  
50 if the false or misleading report is of a felony offense or  
51 emergency.

52 (3) A violation of this subsection is a Class B felony  
53 if the false or misleading report is of a felony offense or  
54 emergency and the emergency response causes physical injury to  
55 any person.

56 (4) A violation of this subsection is a Class A felony



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57 if the false or misleading report is of a felony offense or  
58 emergency and the emergency response causes serious physical  
59 injury or death to any person.

60 (c) For the purposes of determining venue, a violation  
61 of this section shall be considered to be committed in any  
62 county (i) where the false or misleading report was made, (ii)  
63 where the false or misleading report was received by a law  
64 enforcement agency or emergency service provider, or (iii) in  
65 which a law enforcement agency or emergency service provider  
66 responded to the false or misleading report.

67 (d) Any person convicted of this section shall be  
68 ordered to pay restitution to any individual, agency, or  
69 entity who incurs damages as a proximate result of responding  
70 to the false report.

71 Section 2. Although this bill would have as its purpose  
72 or effect the requirement of a new or increased expenditure of  
73 local funds, the bill is excluded from further requirements  
74 and application under Section 111.05 of the Constitution of  
75 Alabama of 2022, because the bill defines a new crime or  
76 amends the definition of an existing crime.

77 Section 3. This act shall become effective on October  
78 1, 2024.



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House of Representatives

Read for the first time and referred .....06-Feb-24  
to the House of Representatives  
committee on Judiciary  
  
Read for the second time and placed .....14-Feb-24  
on the calendar:  
1 amendment  
  
Read for the third time and passed .....20-Feb-24  
as amended  
    Yeas 99  
    Nays 2  
    Abstains 1

John Treadwell  
Clerk