

HOUSE No. 1899

The Commonwealth of Massachusetts

PRESENTED BY:

Chynah Tyler

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act relative to false reporting of an emergency.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Chynah Tyler</i>	<i>7th Suffolk</i>	<i>2/17/2021</i>
<i>Bud L. Williams</i>	<i>11th Hampden</i>	<i>3/15/2021</i>

HOUSE No. 1899

By Ms. Tyler of Boston, a petition (accompanied by bill, House, No. 1899) of Chynah Tyler and Bud L. Williams relative to false reporting of emergencies. The Judiciary.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Second General Court
(2021-2022)**

An Act relative to false reporting of an emergency.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 Section 14B of Chapter 269 of the Massachusetts General Laws is hereby amended by 2
2 striking the section in its entirety and inserting in place thereof the following section:-

3 Section 14B. Willful and malicious communication of false information to public safety 4
4 answering points; penalty; restitution

5 As used in this section, the following words shall have the following meanings:--

6 “Emergency response services provider”, a police department, fire department, 7
7 emergency medical service provider, PSAP, public safety department, private safety department
8 or other public safety agency.

9 “PSAP”, a facility assigned the responsibility of receiving 911 calls and, as appropriate,
10 directly dispatching emergency response services or transferring or relaying emergency
11 911 calls

12 to other public or private safety agencies or other PSAPs.

13 “Silent call”, a call or other communication made to a PSAP in which the initiating party
14 fails to provide information regarding his or her identity or location or the nature of the
15 emergency. The initiating party shall not be considered to have provided any information
16 that is

17 automatically transmitted by a communication device or network upon connection with a
18 PSAP
19 including, but not be limited to, automatic location information and automatic number
20 information.

21 “Emergency”, a condition or situation in which an individual has a need for an
22 emergency response services provider or immediate medical attention, or where the
23 potential for
24 such need is perceived by the individual, a bystander or an emergency medical services
25 provider.

26 “Substantial bodily injury” bodily injury which creates a permanent disfigurement,
27 protracted loss or impairment of a function of a body member, limb or organ, or
28 substantial risk
29 of death.

30 (a) Any person who willfully and maliciously communicates with a PSAP, or an

31 emergency response services provider, or causes a communication to be made to a
32 PSAP, which
33 communication transmits information which the person knows or has reason to know that
34 it is a
35 false report and which results in the dispatch of emergency services to a nonexistent
36 emergency
37 or to the wrong location of an actual emergency is guilty of a misdemeanor and upon
38 conviction
39 shall be punishable by imprisonment in a jail or house of correction for not more than 6
40 months,
41 or by a fine of not more than two hundred (\$200), or by both such fine and
42 imprisonment.;

43 (b) Any person who willfully and maliciously, makes or causes a second or sub-sequent
44 false report(s) to be made or a second or subsequent silent call(s) to be made to any PSAP
45 and
46 thereby causes emergency services to be dispatched, shall be punishable by imprisonment
47 in the
48 house of correction for not more than 1 year or by a fine of not more than \$1,000.

49 (c) Any person who willfully and maliciously communicates with a PSAP, or an

50 emergency response services provider, or causes a communication to be made to a PSAP,
51 or an
52 emergency services provider, which communication transmits information which the
53 person
54 knows or has reason to know that it is a false report and which results in the dispatch of
55 emergency services to a nonexistent emergency or to the wrong location of an actual
56 emergency,
57 who knows or should know, or recklessly disregards that the response to the report is
58 likely to
59 cause great bodily harm or death, and death or great bodily harm is sustained by any
60 individual
61 as a result of the false report, is guilty of a felony and upon conviction shall be punishable
62 by
63 imprisonment in the state prison for not more than 5 years or in the house of correction
64 for not
65 more than 2 ½ years, or by a fine of not more than five thousand (\$5,000), or by both that
66 fine
67 and imprisonment.

68 (d) Any person who willfully and maliciously communicates with a PSAP, or an

69 emergency response services provider, or causes a communication to be made to a PSAP,
70 or an
71 emergency services provider, which communication transmits information which the
72 person
73 knows or has reason to know that it is a false report and which results in the dispatch of
74 emergency services to a nonexistent emergency, where the report was motivated by
75 bigotry and
76 bias including, but not limited to, a threatened, attempted or completed overt act
77 motivated at
78 least in part by racial, religious, ethnic, handicap, gender, gender identity or sexual
79 orientation
80 prejudice, or which otherwise deprives another person of their constitutional rights by
81 threats,
82 intimidation or coercion, or which seek to interfere with or disrupt a person's exercise of
83 constitutional rights through harassment or intimidation, is guilty of a misdemeanor and
84 if
85 convicted shall be punished by imprisonment up to 2 ½ years in a jail, or a fine up to five
86 thousand (\$5,000), or by both imprisonment and fine. A person convicted of this section
87 shall

88 also complete a diversity awareness program designed by the secretary of the executive
89 office of

90 public safety in consultation with the Massachusetts commission against discrimination
91 and

92 approved by the chief justice of the trial court. A person convicted shall complete such
93 program

94 prior to release from incarceration or prior to completion of the terms of probation,
95 whichever is

96 applicable.

97 (e) Any person who willfully and maliciously communicates with a PSAP, or an

98 emergency response services provider, or causes a communication to be made to a PSAP,
99 or an

100 emergency services provider, which communication transmits information, which the
101 person

102 knows, or has reason to know that it is a false report, and which results in the dispatch of
103 emergency services to a nonexistent emergency, where the report was motivated by

104 bigotry and

105 bias including, but not limited to, a threatened, attempted or completed overt act

106 motivated at

107 least in part by racial, religious, ethnic, handicap, gender, gender identity or sexual
108 orientation
109 prejudice, or which otherwise deprives another person of their constitutional rights by
110 threats,
111 intimidation or coercion, or which seek to interfere with or disrupt a person's exercise of
112 constitutional rights through harassment or intimidation, that is likely to cause great
113 bodily harm
114 or death is guilty of a felony and if convicted shall be punished by a fine of not more than
115 ten
116 thousand (\$10,000) or by imprisonment for not more than ten years, or by both
117 imprisonment
118 and fine. A person convicted shall also complete a diversity awareness program designed
119 by the
120 secretary of the executive office of public safety in consultation with the Massachusetts
121 commission against discrimination and approved by the chief justice of the trial court. A
122 person
123 convicted shall complete such program prior to release from incarceration or prior to
124 completion
125 of the terms of probation, whichever is applicable.

126 (f) Upon any conviction under this section, the court shall conduct a hearing to ascertain
127 the extent of costs incurred, and damages and financial loss sustained by any emergency
128 response services provider as a result of the violation and shall order the defendant to
129 make
130 restitution to the emergency response services provider or providers for any such costs,
131 damages
132 or loss. The court shall consider the defendant's present and future ability to pay
133 restitution in its
134 determinations relative to the imposition of a fine. In determining the amount, time and
135 method
136 of payment of restitution, the court shall consider the defendant's employment status,
137 earning
138 ability, financial resources, living expenses, dependents and any special circumstances
139 that may
140 have bearing on their ability to pay. The court may waive restitution or modify the
141 amount, time
142 or method of payment if such restitution payment would cause a substantial financial
143 hardship to
144 the defendant or the defendant's immediate family or the defendant's dependents.

145 (g) Any individual who was the target of a false report in violation of any of these
146 sections, may bring a civil action against the person who violated this act or any other
147 individual
148 that knowingly benefits financially or receiving anything of value in result of the false
149 emergency, and may recover damages or any other appropriate relief, which may include
150 attorney's fees. If a victim of a false emergency call suffers a financial loss, then a judge
151 can and
152 may order restitution.