

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 296 Session of 2015

INTRODUCED BY HUGHES, FARNESE, FONTANA, TARTAGLIONE,  
EICHELBERGER, VULAKOVICH, BREWSTER, COSTA, LEACH AND BOSCOLA,  
JANUARY 21, 2015

REFERRED TO JUDICIARY, JANUARY 21, 2015

AN ACT

1 Amending Titles 18 (Crimes and Offenses) and 42 (Judiciary and  
2 Judicial Procedure) of the Pennsylvania Consolidated  
3 Statutes, in falsification and intimidation, further  
4 providing for false alarms to agencies of public safety; and,  
5 in sentencing, providing for sentencing for offenses  
6 involving false alarms to agencies of public safety.

7 The General Assembly of the Commonwealth of Pennsylvania  
8 hereby enacts as follows:

9 Section 1. Section 4905 of Title 18 of the Pennsylvania  
10 Consolidated Statutes is amended to read:

11 § 4905. False alarms to agencies of public safety.

12 (a) Offense defined.--A person commits an offense if he  
13 [knowingly causes a false alarm of fire or other emergency to be  
14 transmitted to or within any organization, official or  
15 volunteer, for dealing with emergencies involving danger to life  
16 or property] knowingly and intentionally makes or causes to be  
17 made a false report of a crime or medical or other emergency to  
18 a police officer, State or local law enforcement agency,  
19 firefighter, fire company, emergency medical services agency,

1 emergency medical services provider, 911 system operator or a  
2 governmental employee or contractor or an employee of a  
3 contractor who is authorized to receive a report of a crime or  
4 medical or other emergency.

5 (b) Grading.--An offense under this section is a misdemeanor  
6 of the first degree unless the transmission of the false alarm  
7 of fire or other emergency occurs during a declared state of  
8 emergency and the false alarm causes the resources of the  
9 organization to be diverted from dealing with the declared state  
10 of emergency, in which case the offense is a felony of the third  
11 degree.

12 (c) Costs.--

13 (1) In addition to a penalty imposed under subsection  
14 (b), the court may order a person convicted or adjudicated  
15 under this section to pay to the State or local unit of  
16 government the costs of responding to the false report,  
17 including the use of police, fire, medical or other emergency  
18 response personnel, vehicles and teams.

19 (2) The following apply to a juvenile ordered to pay  
20 costs under this subsection:

21 (i) If the court determines that the juvenile is or  
22 will be unable to pay the costs ordered, after notice to  
23 the juvenile's parent, parents or legal guardian and an  
24 opportunity for the persons to be heard, the court may  
25 order the parent, parents or legal guardian having  
26 supervisory responsibility of the juvenile at the time of  
27 the act upon which the order is based to pay a portion of  
28 the costs ordered that is outstanding. An order under  
29 this subparagraph does not relieve the juvenile of his  
30 obligation to pay the costs as ordered, but the amount

1 owed is offset by an amount paid by his parent, parents  
2 or legal guardian.

3 (ii) If the court orders a parent, parents or legal  
4 guardian to pay costs under subparagraph (i), the court  
5 shall take into account the financial resources of the  
6 parent, parents or legal guardians and the burden that  
7 the payment of the cost will impose. If the court  
8 requires a parent, parents or legal guardian to pay costs  
9 under subparagraph (i), the court shall provide for  
10 payment to be made in specified installments over a  
11 specific period of time.

12 (iii) A parent, parents or legal guardian who has  
13 been ordered to pay costs under subparagraph (i) may  
14 petition the court for a modification of the amount of  
15 the costs owed or for a cancellation of an unpaid portion  
16 of the obligation. The court shall cancel all or part of  
17 the obligation due if the court determines that the  
18 payment of the amount due will impose a manifest hardship  
19 on the parent, parents or legal guardian.

20 (3) If more than one unit of government incurs a cost in  
21 responding to a false report, the court may order the person  
22 convicted to reimburse each unit of government for the  
23 expense it incurred.

24 (4) The amount ordered to be paid under this subsection  
25 must be paid to the court, at a time and in a manner  
26 prescribed by the court. The clerk of the court shall  
27 transmit the appropriate amount to the unit or units of  
28 government named in the order to receive reimbursement.  
29 Unless otherwise ordered by the court, reimbursement must be  
30 made immediately. This section does not prohibit a court from

1 authorizing payments to be made according to a payment  
2 schedule to be completed during a specified time.

3 (5) An order for reimbursement issued under this section  
4 may be enforced in the same manner as a judgment in a civil  
5 action by the district attorney of a county in which a  
6 government unit entitled to reimbursement under the order is  
7 located.

8 (6) For purposes of this subsection, the phrase "costs  
9 of responding" includes:

10 (i) The salary or wages, including overtime pay, of  
11 a police officer or State or local law enforcement agency  
12 for time spent responding to the false report from which  
13 the following occurred:

14 (A) the conviction;

15 (B) the arrest of the person convicted;

16 (C) processing the person after arrest;

17 (D) preparing reports on the incident;

18 (E) investigating the incident;

19 (F) collecting and analyzing evidence; and

20 (G) preparing for and appearing at a pretrial  
21 proceeding or trial.

22 (ii) The salary, wages or other compensation,  
23 including overtime pay, of a firefighter or emergency  
24 medical services provider for time spent in responding to  
25 the false report.

26 (iii) The salary, wages or other compensation,  
27 including overtime pay, of a prosecutor for time spent  
28 investigating and prosecuting the crime charged under  
29 this section.

30 (iv) The costs of supplies expended or equipment

1 used by the State or local law enforcement agency, fire  
2 company or emergency medical services agency in  
3 responding to the false report.

4 (d) Construction.--A violation of this section occurs if the  
5 communication of the false report originates in this  
6 Commonwealth, is intended to terminate in this Commonwealth or  
7 is intended to terminate with a person located in this  
8 Commonwealth.

9 (e) Jurisdiction.--A violation of this section may be  
10 prosecuted in a jurisdiction in which the communication  
11 originated or terminated.

12 (f) Definitions.--As used in this section, the following  
13 words and phrases shall have the meanings given to them in this  
14 subsection unless the context clearly indicates otherwise:

15 "911 system." As defined in 35 Pa.C.S. § 5302 (relating to  
16 definitions).

17 "Bodily injury." Impairment of physical condition or  
18 substantial pain.

19 "Emergency medical services agency" or "EMS agency." As  
20 defined in 35 Pa.C.S. § 8103 (relating to definitions).

21 "Emergency medical services provider." As defined in 35  
22 Pa.C.S. § 8103.

23 "Fire company." As defined in 35 Pa.C.S. § 7802 (relating to  
24 definitions).

25 "Serious bodily injury." Bodily injury that creates a  
26 substantial risk of death or causes serious, permanent  
27 disfigurement or protracted loss or impairment of the function  
28 of a bodily member or organ.

29 "State or local law enforcement agency." Includes:

30 (1) the Pennsylvania State Police;

1           (2) a regional or municipal police department; and  
2           (3) the Pennsylvania Capitol Police, a campus police or  
3           university police department, as the terms are used in  
4           section 2416 of the act of April 9, 1929 (P.L.177, No.175),  
5           known as The Administrative Code of 1929.

6           Section 2. Title 42 is amended by adding a section to read:  
7           § 9720.7. Sentencing for offenses involving false alarms to  
8           agencies of public safety.

9           (a) Sentence enhancement guidelines.--The Pennsylvania  
10          Commission on Sentencing, in accordance with section 2154  
11          (relating to adoption of guidelines for sentencing), shall  
12          provide for a sentence enhancement within its guidelines for an  
13          offense under 18 Pa.C.S. § 4905 (relating to false alarms to  
14          agencies of public safety).

15          (b) Aggravating circumstances.--The guidelines required  
16          under subsection (a) shall provide a range of sentences based on  
17          the following aggravating circumstances resulting as a proximate  
18          cause of lawful conduct related to a response by an emergency  
19          medical services agency, emergency medical services provider,  
20          fire company or any other emergency response personnel:

- 21               (1) An individual is killed.  
22               (2) An individual incurs serious bodily injury.  
23               (3) An individual incurs bodily injury.

24           Section 3. This act shall take effect in 60 days.