
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 812 Session of
2023

INTRODUCED BY HUGHES, LANGERHOLC, TARTAGLIONE, ROTHMAN, FONTANA,
COSTA, LAUGHLIN, DILLON, DUSH, VOGEL, COMMITTA, SCHWANK,
BREWSTER, KANE AND BROOKS, JUNE 23, 2023

REFERRED TO JUDICIARY, JUNE 23, 2023

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania
2 Consolidated Statutes, in falsification and intimidation,
3 further providing for the offense of false alarms to agencies
4 of public safety.

5 The General Assembly of the Commonwealth of Pennsylvania
6 hereby enacts as follows:

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

9 § 4905. False alarms to agencies of public safety.

10 (a) Offense defined.--A person commits an offense if he
11 [knowingly causes a false alarm of fire or other emergency to be
12 transmitted to or within any organization, official or
13 volunteer, for dealing with emergencies involving danger to life
14 or property.] knowingly and intentionally makes or causes to be
15 made a false report of a crime or medical or other emergency to
16 a law enforcement agency, firefighter, fire company, emergency
17 medical services agency, emergency medical services provider,
18 911 system operator or a government employee or contractor or an

1 employee of a contractor who is authorized to receive a report
2 of a crime or medical or other emergency.

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

10 (c) Costs.--

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

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

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

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

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

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

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

30 (5) An order for reimbursement issued under this section

1 may be enforced in the same manner as a judgment in a civil
2 action by the district attorney of a county in which a
3 government unit entitled to reimbursement under the order is
4 located.

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

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

11 (A) the conviction or adjudication of
12 delinquency;

13 (B) the arrest of the person convicted or
14 adjudicated delinquent;

15 (C) processing the person after arrest;

16 (D) preparing reports on the incident;

17 (E) investigating the incident;

18 (F) collecting and analyzing evidence; and

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

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

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

29 (iv) The costs of supplies expended or equipment
30 used by the law enforcement agency, fire company or

1 emergency medical services agency in responding to the
2 false report.

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

8 (e) Jurisdiction.--In addition to the jurisdiction granted
9 to a district attorney under section 1402 of the act of August
10 9, 1955 (P.L.323, No.130), known as The County Code, the
11 Attorney General shall have the authority to investigate and to
12 institute criminal proceedings for any violation or series of
13 violations of this section when the violation or series of
14 violations involves more than one county of this Commonwealth or
15 another state. The authority granted to the Attorney General
16 under this subsection shall be in addition to the authority
17 conferred upon the Attorney General by the act of October 15,
18 1980 (P.L.950, No.164), known as the Commonwealth Attorneys Act.
19 A person charged with any violation or series of violations of
20 this section by the Attorney General shall not have standing to
21 challenge the authority of the Attorney General to investigate
22 or prosecute the case, and, if a challenge is made, the
23 challenge shall be dismissed and no relief shall be made
24 available in the courts of this Commonwealth to the person
25 making the challenge.

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

29 "911 system." As defined in 35 Pa.C.S. § 5302 (relating to
30 definitions).

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

3 "Emergency medical services provider." As defined in 35
4 Pa.C.S. § 8103.

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

7 "Law enforcement agency." As follows:

8 (1) Any of the following:

9 (i) A full-time or part-time employee assigned to
10 criminal or traffic law enforcement duties of any of the
11 following:

12 (A) A police department of a county, city,
13 borough, town or township.

14 (B) A railroad or street railway police
15 department.

16 (C) A campus or university police department,
17 including the State System of Higher Education and
18 its member institutions.

19 (D) The Capitol Police.

20 (E) The Harrisburg International Airport Police.

21 (F) An airport authority police department.

22 (ii) A deputy sheriff of a county of the second
23 class.

24 (iii) A security officer of a first class city
25 housing authority or a police officer of a second class
26 city housing authority.

27 (iv) A county park police officer.

28 (2) The term does not include a person employed to check
29 parking meters or to perform only administrative duties and
30 auxiliary and fire police.

1 Section 2. This act shall take effect in 60 days.