

118TH CONGRESS  
2D SESSION

# S. 3602

To amend title 18, United States Code, to penalize false communications to cause an emergency response, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

JANUARY 17, 2024

Mr. SCOTT of Florida (for himself, Mr. TUBERVILLE, and Mr. ROUNDS) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

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## A BILL

To amend title 18, United States Code, to penalize false communications to cause an emergency response, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Preserving Safe Com-  
5 munities by Ending Swatting Act of 2024”.

6 **SEC. 2. FALSE COMMUNICATIONS TO CAUSE AN EMER-**  
7 **GENCY RESPONSE.**

8 Section 1038 of title 18, United States Code, is  
9 amended—

1           (1) by striking subsection (a)(1) and inserting  
2 the following:

3           “(1) IN GENERAL.—Whoever engages in any  
4 conduct with intent to convey false or misleading in-  
5 formation—

6           “(A) under circumstances where such in-  
7 formation may reasonably be believed and  
8 where such information indicates that an activ-  
9 ity has taken, is taking, or will take place that  
10 would constitute a violation of chapter 2, 10,  
11 11B, 39, 40, 44, 111, or 113B of this title, sec-  
12 tion 236 of the Atomic Energy Act of 1954 (42  
13 U.S.C. 2284), or section 46502, the second sen-  
14 tence of section 46504, section 46505(b)(3) or  
15 (c), section 46506 if homicide or attempted  
16 homicide is involved, or section 60123(b) of title  
17 49; or

18           “(B) using the mail or any facility or  
19 means of interstate or foreign commerce, under  
20 circumstances where such information may rea-  
21 sonably be expected to cause an emergency re-  
22 sponse and the information indicates that con-  
23 duct has taken, is taking, or will take place that  
24 constitutes a crime under State or Federal law

1           or endangers public health or safety or the  
2           health or safety of any person,  
3           shall be fined under this title or imprisoned not  
4           more than 5 years, or both. If serious bodily injury  
5           results, the defendant shall be fined under this title  
6           or imprisoned not more than 20 years, or both, and  
7           if death results, the defendant shall be fined under  
8           this title or imprisoned for any number of years up  
9           to life, or both.”;

10           (2) by striking subsection (b) and inserting the  
11           following:

12           “(b) CIVIL ACTION.—Whoever engages in any con-  
13           duct with intent to convey false or misleading informa-  
14           tion—

15           “(1) under circumstances where such informa-  
16           tion may reasonably be believed and where such in-  
17           formation indicates that an activity has taken, is  
18           taking, or will take place that would constitute a vio-  
19           lation of chapter 2, 10, 11B, 39, 40, 44, 111, or  
20           113B of this title, section 236 of the Atomic Energy  
21           Act of 1954 (42 U.S.C. 2284), or section 46502, the  
22           second sentence of section 46504, section 46505  
23           (b)(3) or (c), section 46506 if homicide or attempted  
24           homicide is involved, or section 60123(b) of title 49;  
25           or

1           “(2) using the mail or any facility or means of  
2 interstate or foreign commerce, under circumstances  
3 where such information may reasonably be expected  
4 to cause an emergency response and the information  
5 indicates that conduct has taken, is taking, or will  
6 take place that constitutes a crime under State or  
7 Federal law or endangers public health or safety or  
8 the health or safety of any person,  
9 is liable in a civil action to any party incurring expenses  
10 incident to any emergency or investigative response to that  
11 conduct, for those expenses.”; and

12           (3) by adding at the end the following:

13           “(e) DEFINITION.—In this section, the term ‘emer-  
14 gency response’ means any deployment of personnel or  
15 equipment, order or advice to evacuate, or issuance of a  
16 warning to the public or a threatened person, organiza-  
17 tion, or establishment, by an agency of the United States  
18 or a State charged with public safety functions, including  
19 any agency charged with detecting, preventing, or inves-  
20 tigating crimes or with fire or rescue functions, or by a  
21 private not-for-profit organization that provides fire or  
22 rescue functions.”.

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