

2018 Regular Session

SENATE BILL NO. 42

BY SENATOR APPEL

CRIMINAL JUSTICE. Provides relative to making a false police report that triggers a law enforcement response ("swatting"). (gov sig)

1 AN ACT  
2 To enact R.S. 14:126.1.1, relative to perjury; to create the crime of false communication  
3 with the intent to cause an emergency response by a law enforcement agency or  
4 "swatting"; to provide definitions; to provide penalties; and to provide for related  
5 matters.  
6 Be it enacted by the Legislature of Louisiana:  
7 Section 1. R.S. 14:126.1.1 is hereby enacted to read as follows:  
8 **§126.1.1. False communication with the intent to cause an emergency response**  
9 **A. No person shall, with the intent to cause an emergency response by**  
10 **any law enforcement agency or other first responder in the absence of**  
11 **circumstances requiring such response, knowingly communicate or transmit**  
12 **false or misleading information indicating that conduct has taken place, is**  
13 **taking place, or will take place that may reasonably be believed to constitute a**  
14 **violation of the criminal law of any state or the United States, or that may**  
15 **reasonably be believed to endanger public health or safety.**  
16 **B. Any person convicted of violating the provisions of this Section:**  
17 **(1) If no emergency response results, shall be imprisoned for not more**

1 than six months, or fined not more than five hundred dollars, or both.

2 (2) Except as provided in Paragraphs (3) and (4) of this Subsection, if an  
3 emergency response results, shall be imprisoned, with or without hard labor, for  
4 not more than five years, or fined not less than one hundred dollars nor more  
5 than one thousand dollars, or both.

6 (3) If an emergency response results and serious bodily injury occurs,  
7 shall be imprisoned, with or without hard labor, for not less than six months nor  
8 more than five years, or fined not less than five hundred dollars nor more than  
9 two thousand five hundred dollars, or both.

10 (4)(a) Except as provided in Subparagraph (b) of this Paragraph, if an  
11 emergency response results and death occurs, shall be imprisoned, with or  
12 without hard labor, for not less than one year nor more than five years, fined  
13 not less than two thousand five hundred dollars nor more than five thousand  
14 dollars, or both.

15 (b) If an emergency response results and the death of a person under the  
16 age of ten years occurs, shall be imprisoned at hard labor, without benefit of  
17 probation, parole, or suspension of sentence, for not less than two years nor  
18 more than five years.

19 C. Reimbursement. (1) In addition to the penalties provided by  
20 Subsection B of this Section, the court shall order the defendant to reimburse  
21 the appropriate party or parties for any expenses incurred for an emergency  
22 response resulting from the commission of the offense.

23 (2) A person ordered to make reimbursement under this Subsection shall  
24 be jointly and severally liable for such expenses with any other person who is  
25 ordered to make reimbursement under this Subsection for the same expenses.

26 (3) An order of reimbursement under this Subsection shall, for the  
27 purposes of enforcement, be treated as a civil judgment.

28 D. For purposes of this Section:

29 (1) "Emergency response" means any action taken by a law enforcement

1           **agency or other first responder to immediately respond to any conduct or event**  
2           **that is reasonably believed to violate the criminal law of any state or the United**  
3           **States, or that threatens or may reasonably be believed to threaten public health**  
4           **or safety.**

5                   **(2) "Law enforcement agency" includes any federal, state, or local law**  
6           **enforcement agency.**

7           Section 2. This Act shall become effective upon signature by the governor or, if not  
8           signed by the governor, upon expiration of the time for bills to become law without signature  
9           by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If  
10          vetoed by the governor and subsequently approved by the legislature, this Act shall become  
11          effective on the day following such approval.

---

The original instrument and the following digest, which constitutes no part  
of the legislative instrument, were prepared by Alden A. Clement Jr.

---

## DIGEST

SB 42 Original

2018 Regular Session

Appel

Proposed law creates the crime of false communication with the intent to cause an emergency response, i.e., "swatting". Proposed law provides that no person can, with the intent to cause an emergency response by any law enforcement agency or other first responder in the absence of circumstances requiring such response, knowingly communicate or transmit false or misleading information indicating that conduct has taken place, is taking place, or will take place that may reasonably be believed to constitute a violation of the criminal law of any state or the U.S. or that may reasonably be believed to endanger public health or safety.

Proposed law provides the following penalties for a violation of proposed law:

- (1) If no emergency response results, imprisonment up to six months, a fine up to \$500, or both.
- (2) If an emergency response results, imprisonment, with or without hard labor, up to five years, a fine between \$100 and \$1000, or both.
- (3) If an emergency response results and serious bodily injury occurs, imprisonment, with or without hard labor, between six months and five years, a fine between \$500 and \$2,500, or both.
- (4) If an emergency response results and death occurs, imprisonment, with or without hard labor, between one year and five years, a fine between \$2,500 and \$5,000, or both.
- (5) If an emergency response results and the death of a person under the age of 10 years occurs, imprisonment at hard labor, without benefit of probation, parole, or suspension of sentence, between two and five years.

Proposed law provides that in addition to the penalties provided by proposed law, the court is to order the defendant to reimburse the appropriate party or parties for any expenses incurred for an emergency response resulting from the commission of the offense. Proposed law further provides that a person ordered to make reimbursement is jointly and severally liable for such expenses with any other person who is ordered to make reimbursement for the same expenses. Proposed law further provides that an order of reimbursement pursuant to proposed law, for purposes of enforcement, is to be treated as a civil judgment.

Proposed law provides the following definitions:

- (1) "Emergency response" means any action taken by a law enforcement agency or other first responder to immediately respond to any conduct or event that is reasonably believed to violate the criminal law of any state or the U.S. or that threatens or may reasonably be believed to threaten public health or safety.
- (2) "Law enforcement agency" includes any federal, state, or local law enforcement agency.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Adds R.S. 14:126.1.1)