

SENATE BILL NO. 42

BY SENATORS APPEL, ALARIO, ALLAIN, BOUDREAUX, CARTER, CHABERT, CLAITOR, DONAHUE, ERDEY, FANNIN, GATTI, HEWITT, LONG, LUNEAU, MILKOVICH, MILLS, MIZELL, MORRELL, PEACOCK, RISER, GARY SMITH, THOMPSON, WALSWORTH AND WHITE

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

19 **(2) Except as provided in Paragraphs (3) and (4) of this Subsection, if an**

1 emergency response results, shall be imprisoned, with or without hard labor, for
2 not more than five years, or fined not less than one hundred dollars nor more
3 than one thousand dollars, or both.

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

8 (4) If an emergency response results and the death of a person occurs,
9 shall be imprisoned at hard labor for not less than ten years nor more than forty
10 years.

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

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

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

20 D. For purposes of this Section:

21 (1) "Emergency response" means any action taken by a law enforcement
22 agency or other first responder to immediately respond to any conduct or event
23 that is reasonably believed to violate the criminal law of any state or the United
24 States, or that threatens or may reasonably be believed to threaten public health
25 or safety.

26 (2) "Law enforcement agency" includes any federal, state, or local law
27 enforcement agency.

28 Section 2. This Act shall become effective upon signature by the governor or, if not
29 signed by the governor, upon expiration of the time for bills to become law without signature
30 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If

1 vetoed by the governor and subsequently approved by the legislature, this Act shall become
2 effective on the day following such approval.

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____