

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 671 Session of
2013

INTRODUCED BY HUGHES, WOZNIAK, WASHINGTON, RAFFERTY, BREWSTER,
WAUGH, BROWNE, FARNESE, BRUBAKER, SOLOBAY, TARTAGLIONE, FERLO
AND BOSCOLA, MARCH 14, 2013

SENATOR GREENLEAF, JUDICIARY, AS AMENDED, JUNE 26, 2014

AN ACT

1 ~~Amending Title 18 (Crimes and Offenses) of the Pennsylvania~~ <--
2 ~~Consolidated Statutes, further providing for false alarms to~~
3 ~~agencies of public safety.~~

4 AMENDING TITLES 18 (CRIMES AND OFFENSES) AND 42 (JUDICIARY AND <--
5 JUDICIAL PROCEDURE) OF THE PENNSYLVANIA CONSOLIDATED
6 STATUTES, IN FALSIFICATION AND INTIMIDATION, FURTHER
7 PROVIDING FOR FALSE ALARMS TO AGENCIES OF PUBLIC SAFETY; AND
8 IN SENTENCING, PROVIDING FOR SENTENCING FOR OFFENSES
9 INVOLVING FALSE ALARMS TO AGENCIES OF PUBLIC SAFETY.

10 The General Assembly of the Commonwealth of Pennsylvania
11 hereby enacts as follows:

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

14 § 4905. False alarms to agencies of public safety.

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

firefighter, fire company, emergency medical services agency,
emergency medical services provider, 911 system operator or a
governmental employee or contractor or an employee of a
contractor who is authorized to receive a report of a crime or
medical or other emergency.

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

~~(1) Except as provided in paragraphs (2), (3) and (4),
an offense under this section is a misdemeanor of the first
degree.~~

~~(2) An offense under this section is a felony of the
third degree if:~~

~~(i) the false report is made or caused to be made
during a declared state of emergency and the false report
causes the resources of a law enforcement agency, fire
department or emergency medical services agency to be
diverted from dealing with the declared state of
emergency; or~~

~~(ii) the false report results in a response to
address the report and an individual incurs bodily injury
as a proximate cause of lawful conduct arising out of
that response.~~

~~(3) An offense under this section is a felony of the
second degree if the false report results in a response to
address the report and an individual incurs serious bodily~~

~~injury as a proximate cause of lawful conduct arising out of that response.~~

~~(4) An offense under this section is a felony of the first degree if the false report results in a response to address the report and an individual is killed as a proximate cause of lawful conduct arising out of that response.~~

(c) Costs.---

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

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

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

(ii) If the court orders a parent, parents or legal guardian to pay costs under subparagraph (i), the court shall take into account the financial resources of the

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

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

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

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

28 (5) An order for reimbursement issued under this section
29 may be enforced in the same manner as a judgment in a civil
30 action by the district attorney of a county in which a

1 government unit entitled to reimbursement under the order is
2 located.

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

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

9 (A) the conviction;

10 (B) the arrest of the person convicted;

11 (C) processing the person after arrest;

12 (D) preparing reports on the incident;

13 (E) investigating the incident;

14 (F) collecting and analyzing evidence; and

15 (G) preparing for and appearing at a pretrial
16 proceeding or trial.

17 (ii) The salary, wages or other compensation,
18 including overtime pay, of a firefighter or emergency
19 medical services provider for time spent in responding to
20 the false report.

21 (iii) The salary, wages or other compensation,
22 including overtime pay, of a prosecutor for time spent
23 investigating and prosecuting the crime charged under
24 this section.

25 (iv) The costs of supplies expended or equipment
26 used by the State or local law enforcement agency, fire
27 company or emergency medical services agency in
28 responding to the false report.

29 (d) Construction.--A violation of this section occurs if the
30 communication of the false report originates in this

Commonwealth, is intended to terminate in this Commonwealth or
is intended to terminate with a person located in this
Commonwealth.

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

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

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

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

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

"Emergency medical services provider." As defined in 35
Pa.C.S. § 8103 (relating to definitions).

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

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

"State or local law enforcement agency." Includes:

(1) the Pennsylvania State Police;

(2) a regional or municipal police department; and

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

1 SECTION 2. TITLE 42 IS AMENDED BY ADDING A SECTION TO READ: <--
2 § 9720.7. SENTENCING FOR OFFENSES INVOLVING FALSE ALARMS TO
3 AGENCIES OF PUBLIC SAFETY.

4 (A) SENTENCE ENHANCEMENT GUIDELINES.--THE PENNSYLVANIA
5 COMMISSION ON SENTENCING, IN ACCORDANCE WITH SECTION 2154
6 (RELATING TO ADOPTION OF GUIDELINES FOR SENTENCING), SHALL
7 PROVIDE FOR A SENTENCE ENHANCEMENT WITHIN ITS GUIDELINES FOR AN
8 OFFENSE UNDER 18 PA.C.S. § 4905 (RELATING TO FALSE ALARMS TO
9 AGENCIES OF PUBLIC SAFETY).

10 (B) AGGRAVATING CIRCUMSTANCES.--THE GUIDELINES REQUIRED
11 UNDER SUBSECTION (A) SHALL PROVIDE A RANGE OF SENTENCES BASED ON
12 THE FOLLOWING AGGRAVATING CIRCUMSTANCES RESULTING AS A PROXIMATE
13 CAUSE OF LAWFUL CONDUCT RELATED TO A RESPONSE BY AN EMERGENCY
14 MEDICAL SERVICES AGENCY, EMERGENCY MEDICAL SERVICES PROVIDER,
15 FIRE COMPANY OR ANY OTHER EMERGENCY RESPONSE PERSONNEL:

16 (1) AN INDIVIDUAL IS KILLED.

17 (2) AN INDIVIDUAL INCURS SERIOUS BODILY INJURY.

18 (3) AN INDIVIDUAL INCURS BODILY INJURY.

19 Section 2 3. This act shall take effect in 60 days. <--