

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 296 Session of 2015

INTRODUCED BY HUGHES, FARNESE, FONTANA, TARTAGLIONE, EICHELBERGER, VULAKOVICH, BREWSTER, COSTA, LEACH, BOSCOLA, BROWNE AND RAFFERTY, JANUARY 21, 2015

AS AMENDED ON SECOND CONSIDERATION, SEPTEMBER 28, 2015

AN ACT

1 Amending Titles 18 (Crimes and Offenses) and 42 (Judiciary and
2 Judicial Procedure) of the Pennsylvania Consolidated
3 Statutes, in falsification and intimidation, further
4 providing for false alarms to agencies of public safety; and,
5 in sentencing, providing for sentencing for offenses
6 involving false alarms to agencies of public safety.

7 The General Assembly of the Commonwealth of Pennsylvania
8 hereby enacts as follows:

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

11 § 4905. False alarms to agencies of public safety.

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

1 emergency medical services provider, 911 system operator or a
2 governmental employee or contractor or an employee of a
3 contractor who is authorized to receive a report of a crime or
4 medical or other emergency.

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

12 (c) Costs.--

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

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

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

1 owed is offset by an amount paid by his parent, parents
2 or legal guardian.

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

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

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

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

1 authorizing payments to be made according to a payment
2 schedule to be completed during a specified time.

3 (5) An order for reimbursement issued under this section
4 may be enforced in the same manner as a judgment in a civil
5 action by the district attorney of a county in which a
6 government unit entitled to reimbursement under the order is
7 located.

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

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

14 (A) the conviction or adjudication of
15 delinquency;

16 (B) the arrest of the person convicted or
17 adjudicated delinquent;

18 (C) processing the person after arrest;

19 (D) preparing reports on the incident;

20 (E) investigating the incident;

21 (F) collecting and analyzing evidence; and

22 (G) preparing for and appearing at a pretrial
23 proceeding or trial.

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

28 (iii) The salary, wages or other compensation,
29 including overtime pay, of a prosecutor for time spent
30 investigating and prosecuting the crime charged under

1 this section.

2 (iv) The costs of supplies expended or equipment
3 used by the State or local law enforcement agency, fire
4 company or emergency medical services agency in
5 responding to the false report.

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

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

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

17 "911 system." As defined in 35 Pa.C.S. § 5302 (relating to
18 definitions).

19 ~~"Bodily injury." Impairment of physical condition or~~ <--
20 ~~substantial pain.~~

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

23 "Emergency medical services provider." As defined in 35
24 Pa.C.S. § 8103.

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

27 ~~"Serious bodily injury." Bodily injury that creates a~~ <--
28 ~~substantial risk of death or causes serious, permanent~~
29 ~~disfigurement or protracted loss or impairment of the function~~
30 ~~of a bodily member or organ.~~

1 "State or local law enforcement agency." Includes:

2 (1) the Pennsylvania State Police;

3 (2) a regional or municipal police department; and

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

8 Section 2. Title 42 is amended by adding a section to read:

9 § 9720.7. Sentencing for offenses involving false alarms to
10 agencies of public safety.

11 (a) Sentence enhancement guidelines.--The Pennsylvania
12 Commission on Sentencing, in accordance with section 2154
13 (relating to adoption of guidelines for sentencing), shall
14 provide for a sentence enhancement within its guidelines for an
15 offense under 18 Pa.C.S. § 4905 (relating to false alarms to
16 agencies of public safety).

17 (b) Aggravating circumstances.--The guidelines required
18 under subsection (a) shall provide a range of sentences based on
19 the following aggravating circumstances resulting as a proximate
20 cause of lawful conduct related to a response by an emergency
21 medical services agency, emergency medical services provider,
22 fire company, STATE OR LOCAL LAW ENFORCEMENT AGENCY or any other <--
23 emergency response personnel:

24 (1) An individual is killed.

25 (2) An individual incurs serious bodily injury.

26 (3) An individual incurs bodily injury.

27 (C) DEFINITIONS.--AS USED IN THIS SECTION, THE FOLLOWING <--
28 WORDS AND PHRASES SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS
29 SUBSECTION UNLESS THE CONTEXT CLEARLY INDICATES OTHERWISE:

30 "BODILY INJURY." AS DEFINED IN 18 PA.C.S. § 2301 (RELATING

1 TO DEFINITIONS).

2 "EMERGENCY MEDICAL SERVICES AGENCY" OR "EMS AGENCY." AS
3 DEFINED IN 35 PA.C.S. § 8103 (RELATING TO DEFINITIONS).

4 "EMERGENCY MEDICAL SERVICES PROVIDER." AS DEFINED IN 35
5 PA.C.S. § 8103.

6 "FIRE COMPANY." AS DEFINED IN 35 PA.C.S. § 7802 (RELATING TO
7 DEFINITIONS).

8 "SERIOUS BODILY INJURY." AS DEFINED IN 18 PA.C.S. § 2301.

9 "STATE OR LOCAL LAW ENFORCEMENT AGENCY." INCLUDES:

10 (1) THE PENNSYLVANIA STATE POLICE;

11 (2) A REGIONAL OR MUNICIPAL POLICE DEPARTMENT; AND

12 (3) THE PENNSYLVANIA CAPITOL POLICE, A CAMPUS POLICE OR
13 UNIVERSITY POLICE DEPARTMENT, AS THE TERMS ARE USED IN
14 SECTION 2416 OF THE ACT OF APRIL 9, 1929 (P.L.177, NO.175),
15 KNOWN AS THE ADMINISTRATIVE CODE OF 1929.

16 Section 3. This act shall take effect in 60 days.