

## DIGEST

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SB 42 Reengrossed

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, for not less than eight years, a fine between \$500 and \$2,500, or both.
- (4) If an emergency response results and death occurs, imprisonment at hard labor for not less than ten years nor more than 40 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 governor or lapse of time for gubernatorial action.

(Adds R.S. 14:126.1.1)

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Judiciary C to the original bill

1. Change penalty when a death occurs from 2 - 5 years imprisonment to imprisonment for up to 40 years.

Senate Floor Amendments to engrossed bill

1. Changes penalty if serious bodily injury occurs from six months to 5 years, to not less than 8 years.
2. Changes penalty if death occurs to not less than 10 years nor more than 40 years.

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Administration of Criminal Justice to the reengrossed bill:

1. Make technical changes.