

RÉSUMÉ DIGEST

ACT 348 (SB 42)

2018 Regular Session

Appel

New law creates the crime of false communication with the intent to cause an emergency response, i.e., "swatting".

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.

Provides the following penalties for a violation of new 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.

Provides that in addition to the penalties provided by new 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.

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. Further provides that an order of reimbursement pursuant to new law, for purposes of enforcement, is to be treated as a civil judgment.

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 (May 20, 2018).

(Adds R.S. 14:126.1.1)