

HB78 ENGROSSED



1 HB78
2 6T9M33Z-2
3 By Representative Ensler
4 RFD: Judiciary
5 First Read: 06-Feb-24
6 PFD: 01-Feb-24



HB78 Engrossed

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

A BILL
TO BE ENTITLED
AN ACT

Relating to crimes and offenses; to add Section 13A-10-9.1 to the Code of Alabama 1975, to create the crime of swatting; to provide that it is unlawful for a person to knowingly report, or cause to be reported, false or misleading information in certain circumstances; to establish criminal penalties; to establish venue for violations; to provide for restitution in certain circumstances; and in connection therewith would have as its purpose or effect the requirement of a new or increased expenditure of local funds within the meaning of Section 111.05 of the Constitution of Alabama of 2022.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 13A-10-9.1 is added to the Code of Alabama 1975, to read as follows:

§13A-10-9.1

(a) For the purposes of this section, the following terms have the following meanings:

(1) EMERGENCY. Either of the following:

a. Any condition that results in, or is likely to



HB78 Engrossed

29 result in, the response of a law enforcement agency or
30 emergency service provider acting in their official capacity.

31 b. Any condition that jeopardized or is likely to
32 jeopardize public safety and results in, or is likely to
33 result in, the evacuation of any area, building, structure, or
34 vehicle.

35 (2) EMERGENCY SERVICE PROVIDER. As defined in Section
36 11-98-1.

37 (3) LAW ENFORCEMENT AGENCY. As defined in Section
38 15-5-62.

39 (b) A person commits the crime of swatting if he or she
40 knowingly reports, or causes to be reported, false or
41 misleading information regarding a crime or emergency to a law
42 enforcement agency or emergency service provider under
43 circumstances where the false or misleading information is
44 likely to cause a response from a law enforcement agency or an
45 emergency service provider.

46 (1) A violation of this subsection is a Class A
47 misdemeanor if the false or misleading report is of a
48 misdemeanor offense.

49 (2) A violation of this subsection is a Class C felony
50 if the false or misleading report is of a felony offense or
51 emergency.

52 (3) A violation of this subsection is a Class B felony
53 if the false or misleading report is of a felony offense or
54 emergency and the emergency response causes physical injury to
55 any person.

56 (4) A violation of this subsection is a Class A felony



HB78 Engrossed

57 if the false or misleading report is of a felony offense or
58 emergency and the emergency response causes serious physical
59 injury or death to any person.

60 (c) For the purposes of determining venue, a violation
61 of this section shall be considered to be committed in any
62 county (i) where the false or misleading report was made, (ii)
63 where the false or misleading report was received by a law
64 enforcement agency or emergency service provider, or (iii) in
65 which a law enforcement agency or emergency service provider
66 responded to the false or misleading report.

67 (d) Any person convicted of this section shall be
68 ordered to pay restitution to any individual, agency, or
69 entity who incurs damages as a proximate result of responding
70 to the false report.

71 Section 2. Although this bill would have as its purpose
72 or effect the requirement of a new or increased expenditure of
73 local funds, the bill is excluded from further requirements
74 and application under Section 111.05 of the Constitution of
75 Alabama of 2022, because the bill defines a new crime or
76 amends the definition of an existing crime.

77 Section 3. This act shall become effective on October
78 1, 2024.



HB78 Engrossed

79
80
81

82
83
84
85
86
87
88
89
90
91
92
93
94
95
96
97
98
99

House of Representatives

Read for the first time and referred06-Feb-24
to the House of Representatives
committee on Judiciary

Read for the second time and placed14-Feb-24
on the calendar:
1 amendment

Read for the third time and passed20-Feb-24
as amended
Yeas 99
Nays 2
Abstains 1

John Treadwell
Clerk