

**HB78 ENROLLED**



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



## HB78 Enrolled

1 Enrolled, An Act,

2 Relating to crimes and offenses; to add Section  
3 13A-10-9.1 to the Code of Alabama 1975, to create the crime of  
4 swatting; to provide that it is unlawful for a person to  
5 knowingly report, or cause to be reported, false or misleading  
6 information in certain circumstances; to establish criminal  
7 penalties; to establish venue for violations; to provide for  
8 restitution in certain circumstances; and in connection  
9 therewith would have as its purpose or effect the requirement  
10 of a new or increased expenditure of local funds within the  
11 meaning of Section 111.05 of the Constitution of Alabama of  
12 2022.

13 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

16 §13A-10-9.1

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

19 (1) EMERGENCY. Either of the following:

20 a. Any condition that results in, or is likely to  
21 result in, the response of a law enforcement agency or  
22 emergency service provider acting in their official capacity.

23 b. Any condition that jeopardized or is likely to  
24 jeopardize public safety and results in, or is likely to  
25 result in, the evacuation of any area, building, structure, or  
26 vehicle.

27 (2) EMERGENCY SERVICE PROVIDER. As defined in Section  
28 11-98-1.



## HB78 Enrolled

29 (3) LAW ENFORCEMENT AGENCY. As defined in Section  
30 15-5-62.

31 (b) A person commits the crime of swatting if he or she  
32 knowingly reports, or causes to be reported, false or  
33 misleading information regarding a crime or emergency to a law  
34 enforcement agency or emergency service provider under  
35 circumstances where the false or misleading information is  
36 likely to cause a response from a law enforcement agency or an  
37 emergency service provider.

38 (1) A violation of this subsection is a Class A  
39 misdemeanor if the false or misleading report is of a  
40 misdemeanor offense.

41 (2) A violation of this subsection is a Class C felony  
42 if the false or misleading report is of a felony offense or  
43 emergency.

44 (3) A violation of this subsection is a Class B felony  
45 if the false or misleading report is of a felony offense or  
46 emergency and the emergency response causes physical injury to  
47 any person.

48 (4) A violation of this subsection is a Class A felony  
49 if the false or misleading report is of a felony offense or  
50 emergency and the emergency response causes serious physical  
51 injury or death to any person.

52 (c) For the purposes of determining venue, a violation  
53 of this section shall be considered to be committed in any  
54 county (i) where the false or misleading report was made, (ii)  
55 where the false or misleading report was received by a law  
56 enforcement agency or emergency service provider, or (iii) in



## HB78 Enrolled

57 which a law enforcement agency or emergency service provider  
58 responded to the false or misleading report.

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

63 Section 2. Although this bill would have as its purpose  
64 or effect the requirement of a new or increased expenditure of  
65 local funds, the bill is excluded from further requirements  
66 and application under Section 111.05 of the Constitution of  
67 Alabama of 2022, because the bill defines a new crime or  
68 amends the definition of an existing crime.

69 Section 3. This act shall become effective on October  
70 1, 2024.



## HB78 Enrolled

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Speaker of the House of Representatives

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President and Presiding Officer of the Senate

House of Representatives

I hereby certify that the within Act originated in and was passed by the House 20-Feb-24, as amended.

John Treadwell  
Clerk

Senate

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**02-May-24**

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Passed