

# HB78 INTRODUCED



1 HB78  
2 GXVL626-1  
3 By Representative Ensler  
4 RFD: Judiciary  
5 First Read: 06-Feb-24  
6 PFD: 01-Feb-24



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SYNOPSIS:

Under existing law, it is unlawful for a person to knowingly make a false report or cause the transmission of a false report to a law enforcement agency. A violation is a Class A misdemeanor.

This bill would 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 regarding a crime or emergency to a law enforcement agency or an emergency service provider under circumstances where the false or misleading information is likely to cause a response from a law enforcement agency or an emergency service provider.

This bill would provide for penalties.

This bill would establish jurisdiction for violations.

This bill would also provide for restitution in certain circumstances.

Section 111.05 of the Constitution of Alabama of 2022, prohibits a general law whose purpose or effect would be to require a new or increased expenditure of local funds from becoming effective with regard to a local governmental entity without enactment by a 2/3 vote unless: it comes within one of a number of specified exceptions; it is approved by the affected



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29           entity; or the Legislature appropriates funds, or  
30           provides a local source of revenue, to the entity for  
31           the purpose.

32                       The purpose or effect of this bill would be to  
33           require a new or increased expenditure of local funds  
34           within the meaning of the section. However, the bill  
35           does not require approval of a local governmental  
36           entity or enactment by a 2/3 vote to become effective  
37           because it comes within one of the specified exceptions  
38           contained in the section.

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A BILL

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TO BE ENTITLED

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AN ACT

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45           Relating to crimes and offenses; to add Section  
46   13A-10-9.1 to the Code of Alabama 1975, to create the crime of  
47   swatting; to provide that it is unlawful for a person to  
48   knowingly report, or cause to be reported, false or misleading  
49   information in certain circumstances; to establish criminal  
50   penalties; to establish jurisdiction for violation; to provide  
51   for restitution in certain circumstances; and in connection  
52   therewith would have as its purpose or effect the requirement  
53   of a new or increased expenditure of local funds within the  
54   meaning of Section 111.05 of the Constitution of Alabama of  
55   2022.

56   BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:



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

59 §13A-10-9.1

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

62 (1) EMERGENCY. Either of the following:

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

66 b. Any condition that jeopardized or is likely to  
67 jeopardize public safety and results in, or is likely to  
68 result in, the evacuation of any area, building, structure, or  
69 vehicle.

70 (2) EMERGENCY SERVICE PROVIDER. As defined in Section  
71 11-98-1.

72 (3) LAW ENFORCEMENT AGENCY. As defined in Section  
73 15-5-62.

74 (b) A person commits the crime of swatting if he or she  
75 knowingly reports, or causes to be reported, false or  
76 misleading information regarding a crime or emergency to a law  
77 enforcement agency or emergency service provider under  
78 circumstances where the false or misleading information is  
79 likely to cause a response from a law enforcement agency or an  
80 emergency service provider.

81 (1) A violation of this subsection is a Class A  
82 misdemeanor if the false or misleading report is of a  
83 misdemeanor offense or of an emergency.

84 (2) A violation of this subsection is a Class C felony



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85 if the false or misleading report is of a felony offense or  
86 emergency.

87 (3) A violation of this subsection is a Class B felony  
88 if the false or misleading report is of a felony offense or  
89 emergency and the emergency response causes physical injury to  
90 any person.

91 (4) A violation of this subsection is a Class A felony  
92 if the false or misleading report is of a felony offense or  
93 emergency and the emergency response causes serious physical  
94 injury or death to any person.

95 (c) For the purposes of determining jurisdiction, a  
96 violation of this section shall be considered to be committed  
97 in any county (i) where the false or misleading report was  
98 made, (ii) where the false or misleading report was received  
99 by a law enforcement agency or emergency service provider, or  
100 (iii) in which a law enforcement agency or emergency service  
101 provider responded to the false or misleading report.

102 (d) Any person convicted of this section shall be  
103 ordered to pay restitution to any individual who incurs  
104 damages as a proximate result of responding to the false  
105 report.

106 Section 2. Although this bill would have as its purpose  
107 or effect the requirement of a new or increased expenditure of  
108 local funds, the bill is excluded from further requirements  
109 and application under Section 111.05 of the Constitution of  
110 Alabama of 2022, because the bill defines a new crime or  
111 amends the definition of an existing crime.

112 Section 3. This act shall become effective on October



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113 1, 2024.