

Assembly Bill No. 911

CHAPTER 295

An act to add Section 653y to the Penal Code, relating to public safety services.

[Approved by Governor August 24, 2004. Filed with Secretary of State August 25, 2004.]

LEGISLATIVE COUNSEL'S DIGEST

AB 911, Longville. Local emergency telephone number system: 911.

Existing law requires each local public agency to establish and have in operation within its jurisdiction a telephone service that automatically connects a person dialing the digits "911" to an established public safety answering point through normal telephone service facilities.

This bill would make the use of or knowingly allowing the use of the 911 telephone system for purposes other than for an emergency, as defined, an infraction, punishable by specified fines, with specified exceptions. The bill would also state findings and declarations by the Legislature.

By creating a new crime, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

The people of the State of California do enact as follows:

SECTION 1. The Legislature finds and declares the following:

(a) The purpose of this section is to ensure the availability of an enhanced "911" telephone system for the prime purpose of quick response to emergency situations, and to reduce false or nonemergency use of the system.

(b) The proper use of the 911 telephone system will allow the efficient use of available resources to respond to incidences of real emergency.

(c) The improper use of the 911 telephone system unnecessarily delays and obstructs public safety entities in the performance of their duties.



SEC. 2. Section 653y is added to the Penal Code, to read:

653y. (a) Any person who knowingly allows the use or who uses the 911 telephone system for any reason other than because of an emergency is guilty of an infraction, punishable as follows:

(1) For a first or second violation, a written warning shall be issued to the violator by the public safety entity originally receiving the call describing the punishment for subsequent violations. The written warning shall inform the recipient to notify the issuing agency that the warning was issued inappropriately if the recipient did not make, or knowingly allow the use of the 911 telephone system for, the nonemergency 911 call. The law enforcement agency may provide educational materials regarding the appropriate use of the 911 telephone system.

(2) For a third or subsequent violation, a citation may be issued by the public safety entity originally receiving the call pursuant to which the violator shall be subject to the following penalties that may be reduced by a court upon consideration of the violator's ability to pay:

(A) For a third violation, a fine of fifty dollars (\$50).

(B) For a fourth violation, a fine of one hundred dollars (\$100).

(C) For a fifth or subsequent violation, a fine of two hundred dollars (\$200).

(b) The parent or legal guardian having custody and control of an unemancipated minor who violates this section shall be jointly and severally liable with the minor for the fine imposed pursuant to this section.

(c) For purposes of this section, "emergency" means any condition in which emergency services will result in the saving of a life, a reduction in the destruction of property, quicker apprehension of criminals, or assistance with potentially life-threatening medical problems, a fire, a need for rescue, an imminent potential crime, or a similar situation in which immediate assistance is required.

(d) Notwithstanding subdivision (a), this section shall not apply to a telephone corporation or any other entity for acts or omissions relating to the routine maintenance, repair, or operation of the 911 or 311 telephone system.

SEC. 3. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or



changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

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