

Assembly Bill No. 1976

CHAPTER 89

An act to amend Section 653y of the Penal Code, relating to crimes.

[Approved by Governor July 10, 2008. Filed with
Secretary of State July 10, 2008.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1976, Benoit. Emergency telephone system: abuse.

Under existing law, any person who knowingly allows the use of, or who uses, the 911 telephone system for any reason other than because of an emergency is guilty of an infraction. The penalty for a first or 2nd violation of that provision is a written warning, as specified. The penalty for a 3rd, 4th, or 5th violation, depending upon the violator's ability to pay, is \$50, \$100, and \$200, respectively.

This bill would make a written warning the penalty for a first violation only and would make the penalties for a 2nd and each subsequent violation monetary fines, as specified.

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

SECTION 1. Section 653y of the Penal Code is amended 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 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 second 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 second violation, a fine of fifty dollars (\$50).

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

(C) For a fourth or subsequent violation, a fine of two hundred and fifty dollars (\$250).

(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.