

AMENDED IN SENATE JULY 9, 2013
AMENDED IN ASSEMBLY APRIL 18, 2013
AMENDED IN ASSEMBLY MARCH 13, 2013
CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 47

Introduced by Assembly Member Gatto

December 19, 2012

An act to add Section 653.01 to the Penal Code, relating to crimes.

LEGISLATIVE COUNSEL'S DIGEST

AB 47, as amended, Gatto. 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. Any person who uses the 911 telephone system with the intent to annoy or harass another person is guilty of a misdemeanor, punishable by a fine not exceeding \$1,000, by imprisonment in a county jail for not more than 6 months, or by both that fine and imprisonment.

This bill would make any person who calls the 911 telephone system to dispatch a police, sheriff, fire department, or emergency medical service personnel response to a residence or place of business where there is no emergency, with the intent to annoy or harass another person, and police, sheriff, fire department, or emergency medical service personnel are dispatched as a result of the call, guilty of a misdemeanor punishable by a fine not exceeding \$2,000, by imprisonment in a county jail for not more than one year, or by both that fine and imprisonment. Under the bill, the person responsible for that call is guilty of an offense punishable by a fine not exceeding \$10,000, by imprisonment in a

county jail not exceeding one year, or for 16 months, or 2 or 3 years, or by both that fine and imprisonment, if any person sustained *great* bodily injury as a result of conduct arising out of and in the course of the police, sheriff, fire department, or emergency medical service dispatch. *The bill would define “annoy and harass” as knowing and willful conduct directed at a specific person, or his or her family members, that seriously alarms, annoys, torments, or terrorizes the person, or his or her family members, and that serves no legitimate purpose.* This bill would require, upon conviction, that the person shall also be liable for all reasonable costs incurred by any unnecessary emergency response. This bill would exempt from its provisions telephone calls made in good faith. By increasing the penalty for an existing 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.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

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

- 1 SECTION 1. Section 653.01 is added to the Penal Code, to
- 2 read:
- 3 653.01. (a) Any person who calls the 911 telephone system
- 4 to dispatch a police, sheriff, fire department, or emergency medical
- 5 service personnel response to a residence or place of business
- 6 where there is no emergency, with the intent to annoy or harass
- 7 another person and if police, sheriff, fire department, or emergency
- 8 medical service personnel are dispatched as a result of the
- 9 telephone call, is guilty of a misdemeanor punishable by a fine of
- 10 not more than two thousand dollars (\$2,000), by imprisonment in
- 11 a county jail for not more than one year, or by both that fine and
- 12 imprisonment.
- 13 (b) Any person who calls the 911 telephone system to dispatch
- 14 a police, sheriff, fire department, or emergency medical service
- 15 personnel response to a residence or place of business where there
- 16 is no emergency, with the intent to annoy or harass another person
- 17 and if police, sheriff, fire department, or emergency medical service

1 personnel are dispatched and any person sustains *great* bodily
2 injury as a result of conduct arising out of and in the course of the
3 police, sheriff, fire department, or emergency medical service
4 personnel being dispatched to the residence or place of business,
5 is guilty of an offense punishable by a fine of not more than ten
6 thousand dollars (\$10,000), by imprisonment in a county jail not
7 exceeding one year, or, pursuant to subdivision (h) of Section
8 1170, for 16 months, or two or three years, or by both that fine
9 and imprisonment.

10 (c) This section does not preclude punishment under any other
11 law providing for greater punishment, including, but not limited
12 to, involuntary manslaughter as defined in subdivision (b) of
13 Section 192.

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

21 (e) *For purposes of this section, “annoy and harass” means*
22 *knowing and willful conduct directed at a specific person, or his*
23 *or her family members, that seriously alarms, annoys, torments,*
24 *or terrorizes the person, or his or her family members, and that*
25 *serves no legitimate purpose.*

26 ~~(e)~~

27 (f) Upon conviction of this section, a person shall also be liable
28 for all reasonable costs, including property damage, incurred by
29 an unnecessary police, sheriff, fire department, or emergency
30 medical service personnel response.

31 ~~(f)~~

32 (g) This section shall not apply to telephone calls made in good
33 faith.

34 SEC. 2. No reimbursement is required by this act pursuant to
35 Section 6 of Article XIII B of the California Constitution because
36 the only costs that may be incurred by a local agency or school
37 district will be incurred because this act creates a new crime or
38 infraction, eliminates a crime or infraction, or changes the penalty
39 for a crime or infraction, within the meaning of Section 17556 of
40 the Government Code, or changes the definition of a crime within

- 1 the meaning of Section 6 of Article XIII B of the California
- 2 Constitution.

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