

Introduced by Senator Lieu

February 19, 2013

An act to amend Section 148.3 of the Penal Code, relating to crimes.

LEGISLATIVE COUNSEL'S DIGEST

SB 333, as amended, Lieu. Crimes: emergencies: false reporting.

Existing law provides that any individual who reports, or causes any report to be made, to any city, county, city and county, or state department, district, agency, division, commission, or board, that an emergency exists, knowing that the report is false, is guilty of a misdemeanor and upon conviction is punishable by imprisonment in a county jail for a period not exceeding one year, or by a fine not exceeding \$1,000, or by both that imprisonment and fine.

~~This bill would, for the misdemeanor provision described above, require the individual to serve at least 120 days in county jail, but not more than one year. The bill would also provide that any person convicted of that offense who is granted probation shall be confined in a county jail for at least 120 days as a condition of probation, unless the court finds that it is in the interests of justice not to impose that sentence, and states on the record the reasons why justice would be served by not imposing that minimum jail sentence.~~

~~By increasing the penalty for an existing crime, this bill would impose a state-mandated local program.~~

Existing law provides that any individual who reports, or causes any report to be made, to any city, county, city and county, or state department, district, agency, division, commission, or board, that an emergency exists, and who knows that the report is false, and who

knows or should know that the response to the report is likely to cause death or great bodily injury, and great bodily injury or death is sustained by any person as a result of the false report, is guilty of a felony, as specified.

~~This bill would delete the requirement that the person knows or should know that the response to the report is likely to cause death or great bodily injury.~~

~~By expanding the scope of an existing crime, this bill would impose a state-mandated local program.~~

~~The~~

~~This bill would also provide that any person convicted of violating these provisions *resulting, based upon a report that resulted* in an emergency response, would be liable to a public agency for the reasonable costs of the emergency response by the public agency. *The bill would further provide that nothing in these provisions precludes punishment for the conduct prescribed by existing law, under any other law providing for greater punishment.*~~

~~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~~*no*.

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

1 SECTION 1. Section 148.3 of the Penal Code is amended to
2 read:
3 148.3. (a) ~~(1)~~ Any individual who reports, or causes any report
4 to be made, to any city, county, city and county, or state
5 department, district, agency, division, commission, or board, that
6 an “emergency” exists, knowing that the report is false, is guilty
7 of a misdemeanor and upon conviction thereof shall be punishable
8 by imprisonment in a county jail for a period of at least 120 days,
9 ~~but~~ not exceeding one year, or by a fine not exceeding one thousand
10 dollars (\$1,000), or by both that imprisonment and fine.
11 ~~(2) Any individual convicted of violating this section who is~~
12 ~~granted probation shall be confined in a county jail for at least 120~~
13 ~~days as a condition of probation. That minimum sentence shall be~~

1 ~~imposed unless the court finds that it is in the interests of justice~~
2 ~~not to impose that sentence, and states on the record the reasons~~
3 ~~why justice would be served by not imposing that minimum jail~~
4 ~~sentence.~~

5 (b) Any individual who reports, or causes any report to be made,
6 to any city, county, city and county, or state department, district,
7 agency, division, commission, or board, that an “emergency” exists,
8 ~~and who knows that the report is false, and who knows or should~~
9 ~~know that the response to the report is likely to cause death or~~
10 ~~great bodily injury, and great bodily injury or death is sustained~~
11 ~~by any person as a result of the false report, is guilty of a felony~~
12 ~~and upon conviction thereof shall be punishable by imprisonment~~
13 ~~pursuant to subdivision (h) of Section 1170, or by a fine of not~~
14 ~~more than ten thousand dollars (\$10,000), or by both that~~
15 ~~imprisonment and fine.~~

16 (c) “Emergency” as used in this section means any condition
17 that results in, or could result in, the response of a public official
18 in an authorized emergency vehicle, aircraft, or vessel, any
19 condition that jeopardizes or could jeopardize public safety and
20 results in, or could result in, the evacuation of any area, building,
21 structure, vehicle, or of any other place that any individual may
22 enter, or any situation that results in or could result in activation
23 of the Emergency Alert System pursuant to Section 8594 of the
24 Government Code. An activation or possible activation of the
25 Emergency Alert System pursuant to Section 8594 of the
26 Government Code shall not constitute an “emergency” for purposes
27 of this section if it occurs as the result of a report made or caused
28 to be made by a parent, guardian, or lawful custodian of a child
29 that is based on a good faith belief that the child is missing.

30 (d) *Nothing in this section precludes punishment for the conduct*
31 *described in subdivision (a) or (b) under any other section of law*
32 *providing for greater punishment for that conduct.*

33 ~~(d)~~

34 (e) Any individual convicted of violating this section, ~~resulting~~
35 ~~based upon a report that resulted~~ in an emergency response, is
36 liable to a public agency for the reasonable costs of the emergency
37 response by the public agency.

38 ~~SEC. 2. No reimbursement is required by this act pursuant to~~
39 ~~Section 6 of Article XIII B of the California Constitution because~~
40 ~~the only costs that may be incurred by a local agency or school~~

1 ~~district will be incurred because this act creates a new crime or~~
2 ~~infraction, eliminates a crime or infraction, or changes the penalty~~
3 ~~for a crime or infraction, within the meaning of Section 17556 of~~
4 ~~the Government Code, or changes the definition of a crime within~~
5 ~~the meaning of Section 6 of Article XIII B of the California~~
6 ~~Constitution.~~

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