

AMENDED IN ASSEMBLY AUGUST 12, 2013

AMENDED IN SENATE APRIL 16, 2013

SENATE BILL

No. 333

Introduced by Senator Lieu

(Principal coauthor: Assembly Member Bloom)

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.

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 provide that any person convicted of violating these provisions, 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.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: 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) 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 not exceeding one
9 year, or by a fine not exceeding one thousand dollars (\$1,000), or
10 by both that imprisonment and fine.

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

22 (c) “Emergency” as used in this section means any condition
23 that results in, or could result in, the response of a public official
24 in an authorized emergency vehicle, aircraft, or vessel, any
25 condition that jeopardizes or could jeopardize public safety and
26 results in, or could result in, the evacuation of any area, building,
27 structure, vehicle, or of any other place that any individual may
28 enter, or any situation that results in or could result in activation
29 of the Emergency Alert System pursuant to Section 8594 of the
30 Government Code. An activation or possible activation of the
31 Emergency Alert System pursuant to Section 8594 of the
32 Government Code shall not constitute an “emergency” for purposes

1 of this section if it occurs as the result of a report made or caused
2 to be made by a parent, guardian, or lawful custodian of a child
3 that is based on a good faith belief that the child is missing.

4 (d) Nothing in this section precludes punishment for the conduct
5 described in subdivision (a) or (b) under any other section of law
6 providing for greater punishment for that conduct.

7 (e) Any individual convicted of violating this section, based
8 upon a report that resulted in an emergency response, is liable to
9 a public agency for the reasonable costs of the emergency response
10 by ~~the~~ *that* public agency.

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