

ASSEMBLY BILL

No. 1769

Introduced by Assembly Member Rodriguez

February 3, 2016

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

LEGISLATIVE COUNSEL'S DIGEST

AB 1769, as introduced, Rodriguez. 911 emergency system: nuisance communications.

Existing law makes it an offense for a person to telephone the 911 emergency system with the intent to annoy or harass another person, and makes the offender liable for all reasonable costs incurred by any unnecessary emergency response.

This bill would expand those provisions to include communicating with the 911 emergency system using an electronic communication device for those purposes.

By expanding the scope of 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 653x of the Penal Code is amended to
2 read:

3 653x. (a) Any person who telephones *or uses an electronic*
4 *communication device to initiate communication with the 911*
5 *emergency-line system* with the intent to annoy or harass another
6 person is guilty of a misdemeanor punishable by a fine of not more
7 than one thousand dollars (\$1,000), by imprisonment in a county
8 jail for not more than six months, or by both the fine and
9 imprisonment. Nothing in this section shall apply to telephone
10 calls *or communications using electronic devices* made in good
11 faith.

12 (b) An intent to annoy or harass is established by proof of
13 repeated calls *or communications* over a period of time, however
14 short, that are unreasonable under the circumstances.

15 (c) Upon conviction of a violation of this section, a person also
16 shall be liable for all reasonable costs incurred by any unnecessary
17 emergency response.

18 SEC. 2. No reimbursement is required by this act pursuant to
19 Section 6 of Article XIII B of the California Constitution because
20 the only costs that may be incurred by a local agency or school
21 district will be incurred because this act creates a new crime or
22 infraction, eliminates a crime or infraction, or changes the penalty
23 for a crime or infraction, within the meaning of Section 17556 of
24 the Government Code, or changes the definition of a crime within
25 the meaning of Section 6 of Article XIII B of the California
26 Constitution.

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