

AMENDED IN SENATE JUNE 13, 2005

AMENDED IN ASSEMBLY APRIL 11, 2005

AMENDED IN ASSEMBLY MARCH 17, 2005

CALIFORNIA LEGISLATURE—2005—06 REGULAR SESSION

ASSEMBLY BILL

No. 376

**Introduced by Assembly Member Mountjoy
(Coauthor: Assembly Member Cohn)**

February 11, 2005

An act to add Section 148.8 to the Penal Code, relating to false reports.

LEGISLATIVE COUNSEL'S DIGEST

AB 376, as amended, Mountjoy. Amber alerts.

Existing law requires the activation of the Emergency Alert System if an abduction has been reported to law enforcement that a child 17 years of age or younger or a person with a physical or mental disability has been abducted and it is determined that he or she is in imminent danger of serious bodily injury or death, as specified. Existing law also provides that any individual who reports to a peace officer or district attorney that a felony or misdemeanor has been committed knowing that report is false is punishable by a fine not exceeding \$1,000, imprisonment in a county jail, or by both that imprisonment and fine.

This bill would provide that any person who reports to a law enforcement agency that an abduction has occurred, with the intent to activate the Emergency Alert System, or as a result of the information, causes an activation of the Emergency Alert System, knowing that the report is false, is punishable by a fine not exceeding ~~\$1,000~~ \$5,000,

imprisonment in a county jail *for a period not exceeding 6 months*, or by both that imprisonment and fine.

Because this bill would create a new 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 148.8 is added to the Penal Code, to
2 read:

3 148.8. Any person who reports, or causes a report to be made
4 to a law enforcement agency that an abduction has occurred, with
5 the intent to activate the Emergency Alert System, or as a result
6 of the information, causes an activation of the Emergency Alert
7 System pursuant to Section 8594 of the Government Code,
8 knowing that the report is false, is punishable by a fine not
9 exceeding ~~one thousand dollars (\$1,000)~~ *five thousand dollars*
10 *(\$5,000)*, imprisonment in a county jail for a period not
11 exceeding ~~one year~~ *six months*, or by both that fine and
12 imprisonment.

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

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