

AMENDED IN SENATE JUNE 10, 2009

AMENDED IN ASSEMBLY APRIL 15, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 538

Introduced by Assembly Member Arambula

February 25, 2009

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

LEGISLATIVE COUNSEL'S DIGEST

AB 538, as amended, Arambula. 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.

This bill would authorize an entity that provides emergency Medi-Cal services to report a violation to the public safety entity that originally received the call. The bill would require the public safety entity originally receiving the call, ~~upon verification~~ *if the public safety entity has verified* that a violation has occurred, to issue the applicable warnings and citations, as specified. By imposing new duties on local officials, the 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, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

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 653y of the Penal Code is amended to
2 read:
3 653y. (a) Any person who knowingly allows the use or who
4 uses the 911 telephone system for any reason other than because
5 of an emergency is guilty of an infraction, punishable as follows:
6 (1) For a first violation, a written warning shall be issued to the
7 violator by the public safety entity originally receiving the call
8 describing the punishment for subsequent violations. The written
9 warning shall inform the recipient to notify the issuing agency that
10 the warning was issued inappropriately if the recipient did not
11 make, or knowingly allow the use of the 911 telephone system for,
12 the nonemergency 911 call. The law enforcement agency may
13 provide educational materials regarding the appropriate use of the
14 911 telephone system.
15 (2) For a second or subsequent violation, a citation may be
16 issued by the public safety entity originally receiving the call
17 pursuant to which the violator shall be subject to the following
18 penalties that may be reduced by a court upon consideration of the
19 violator's ability to pay:
20 (A) For a second violation, a fine of fifty dollars (\$50).
21 (B) For a third violation, a fine of one hundred dollars (\$100).
22 (C) For a fourth or subsequent violation, a fine of two hundred
23 and fifty dollars (\$250).
24 (b) The parent or legal guardian having custody and control of
25 an unemancipated minor who violates this section shall be jointly
26 and severally liable with the minor for the fine imposed pursuant
27 to this section.
28 (c) For purposes of this section, "emergency" means any
29 condition in which emergency services will result in the saving of
30 a life, a reduction in the destruction of property, quicker
31 apprehension of criminals, or assistance with potentially
32 life-threatening medical problems, a fire, a need for rescue, an
33 imminent potential crime, or a similar situation in which immediate
34 assistance is required.

(d) Any entity that provides emergency medical services, as defined in Section 1797.72 of the Health and Safety Code, may report a violation, as described in subdivision (a), to the public safety entity that originally received the call. ~~Upon verification~~ *If it is verified by the public safety entity* that a violation has occurred, the public safety entity originally receiving the call shall issue the applicable warnings and citations, as specified in paragraphs (1) and (2) of subdivision (a).

(e) Notwithstanding subdivision (a), this section shall not apply to a telephone corporation or any other entity for acts or omissions relating to the routine maintenance, repair, or operation of the 911 or 311 telephone system.

SEC. 2. If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.