

HCS HBs 291 & 286 -- MAKING A FALSE REPORT

SPONSOR: Roberts

COMMITTEE ACTION: Voted "Do Pass with HCS" by the Standing Committee on Public Safety by a vote of 10 to 0. Voted "Do Pass" by the Standing Committee on Rules- Legislative Oversight by a vote of 8 to 0.

The following is a summary of the House Committee Substitute for HB 291.

This bill specifies that a person commits the offense of making a false report if he or she knowingly makes a false report or causes a false report to be made to a law enforcement officer, security officer, fire department or other organization, official, or volunteer with reckless disregard of causing bodily harm to any person as a direct result of an emergency response.

The offense of making a false report is a class B misdemeanor if the report is a false report of a misdemeanor offense, and it is class C felony if the report is a false report of a felony offense. The offense is a class B felony if the report results in death or grievous bodily injury as a proximate result of lawful conduct arising out of the response. A person under 18 years old who violates this section is guilty of an infraction for the first offense and a class C misdemeanor for a second or subsequent violation. The minor must appear before a juvenile court or, in lieu, complete 30 hours of community service or pay a fine not to exceed \$250.

This legislation does not impose liability on a person who contacts law enforcement to report unlawful conduct or conflict with the Communication Decency Act or the Civil Rights Act.

A person who is a victim of the offense may bring a civil action against the person who made the false report and may recover damages or other equitable relief, as well as reasonable attorneys' fees. A person who makes a false report under this bill for the purpose of infringing on another person's rights, unlawfully discriminating against another person, causing another person to be expelled from a place the person is lawfully located, or damaging another person's reputation or financial, economic, consumer, or business prospects or interests may be required to pay punitive damages in addition to any other damages allowed.

The following is a summary of the public testimony from the committee hearing. The testimony was based on the introduced version of the bill.

PROPONENTS: Supporters say that swatting undermines the reality of a situation and it puts people at risk regardless of the motivation. It does not matter what the reason for the call is. It is just that the intention is to get emergency responders to respond to a call. There still has to be probable cause and we are trying to address the egregious situations.

Testifying for the bill were Representative Roberts; Dale Schmidt, Missouri Peace Officers Association; Karen Aroesty, ADL Heartland; and Missouri Fraternal Order Of Police.

OPPONENTS: There was no opposition voiced to the committee.

Written testimony has been submitted for this bill. The full written testimony can be found under Testimony on the bill page on the House website.