

HB 1653 -- OFFENSE OF MAKING A FALSE REPORT

SPONSOR: Roberts

COMMITTEE ACTION: Voted "Do Pass" by the Standing Committee on Crime Prevention and Public Safety by a vote of 18 to 5 and 1 voting Present. Voted "Do Pass" by the Standing Committee on Rules- Legislative Oversight by a vote of 4 to 3.

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, and it is a class E 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 serious physical injury as a proximate result of lawful conduct arising out of the response. A child who violates this section is guilty of a status offense for the first offense and a class C misdemeanor for a second or subsequent violation. The child 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 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 as specified in 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.

PROPOSERS: Supporters say that this addresses swatting calls, in which people make calls for help and response teams are called out to do dangerous work. This is very dangerous for innocent people who get caught up in these situations. A person who is a victim of this offense can bring a civil action against the person who makes the call. Swatting is becoming a bigger issue statewide and Jefferson City has had several calls come in over the last few weeks. It does take many search warrants and many subpoenas to try

to track down a swatter since a lot of this involves cyber technology.

Testifying in person for the bill were Representative Roberts; Jordan Kadosh, Anti Defamation League; and Locke Thompson, Missouri Association of Prosecuting Attorneys.

OPPONENTS: Those who oppose the bill say that the intent is understood but false reporting does not necessarily start when the swatting call is made, and it does not necessarily end with the emergency response. The same applies to officers' body worn cameras. Those need to stay on and any attempt to mute what happens would be considered falsification of the record if a law enforcement officer made the false report.

Testifying in person against the bill was Jon Stambaugh.

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