HOUSE No. 1899

The Commonwealth of Massachusetts

PRESENTED BY:

Chynah Tyler

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act relative to false reporting of an emergency.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
Chynah Tyler	7th Suffolk	2/17/2021
Bud L. Williams	11th Hampden	3/15/2021

HOUSE No. 1899

By Ms. Tyler of Boston, a petition (accompanied by bill, House, No. 1899) of Chynah Tyler and Bud L. Williams relative to false reporting of emergencies. The Judiciary.

The Commonwealth of Alassachusetts

In the One Hundred and Ninety-Second General Court (2021-2022)

An Act relative to false reporting of an emergency.

11

911 calls

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 Section 14B of Chapter 269 of the Massachusetts General Laws is hereby amended by 2 2 striking the section in its entirety and inserting in place thereof the following section:-3 Section 14B. Willful and malicious communication of false information to public safety 4 4 answering points; penalty; restitution 5 As used in this section, the following words shall have the following meanings:--6 "Emergency response services provider", a police department, fire department, 7 7 emergency medical service provider, PSAP, public safety department, private safety department 8 or other public safety agency. 9 "PSAP", a facility assigned the responsibility of receiving 911 calls and, as appropriate, 10 directly dispatching emergency response services or transferring or relaying emergency

12	to other public or private safety agencies or other PSAPs.
13	"Silent call", a call or other communication made to a PSAP in which the initiating party
14	fails to provide information regarding his or her identity or location or the nature of the
15	emergency. The initiating party shall not be considered to have provided any information
16	that is
17	automatically transmitted by a communication device or network upon connection with a
18	PSAP
19	including, but not be limited to, automatic location information and automatic number
20	information.
21	"Emergency", a condition or situation in which an individual has a need for an
22	emergency response services provider or immediate medical attention, or where the
23	potential for
24	such need is perceived by the individual, a bystander or an emergency medical services
25	provider.
26	"Substantial bodily injury" bodily injury which creates a permanent disfigurement,
27	protracted loss or impairment of a function of a body member, limb or organ, or
28	substantial risk
29	of death.
30	(a) Any person who willfully and maliciously communicates with a PSAP, or an

31	emergency response services provider, or causes a communication to be made to a
32	PSAP, which
33	communication transmits information which the person knows or has reason to know that
34	it is a
35	false report and which results in the dispatch of emergency services to a nonexistent
36	emergency
37	or to the wrong location of an actual emergency is guilty of a misdemeanor and upon
38	conviction
39	shall be punishable by imprisonment in a jail or house of correction for not more than 6
40	months,
41	or by a fine of not more than two hundred (\$200), or by both such fine and
12	imprisonment.;
43	(b) Any person who willfully and maliciously, makes or causes a second or sub-sequent
14	false report(s) to be made or a second or subsequent silent call(s) to be made to any PSAP
45	and
46	thereby causes emergency services to be dispatched, shall be punishable by imprisonment
1 7	in the
48	house of correction for not more than 1 year or by a fine of not more than \$1,000.
49	(c) Any person who willfully and maliciously communicates with a PSAP, or an

30	emergency response services provider, or causes a communication to be made to a PSAP,
51	or an
52	emergency services provider, which communication transmits information which the
53	person
54	knows or has reason to know that it is a false report and which results in the dispatch of
55	emergency services to a nonexistent emergency or to the wrong location of an actual
56	emergency,
57	who knows or should know, or recklessly disregards that the response to the report is
58	likely to
59	cause great bodily harm or death, and death or great bodily harm is sustained by any
60	individual
61	as a result of the false report, is guilty of a felony and upon conviction shall be punishable
62	by
63	imprisonment in the state prison for not more than 5 years or in the house of correction
64	for not
65	more than 2 ½ years, or by a fine of not more than five thousand (\$5,000), or by both that
66	fine
67	and imprisonment.
68	(d) Any person who willfully and maliciously communicates with a PSAP, or an

69		emergency response services provider, or causes a communication to be made to a PSAP,
70	or an	
71	1	emergency services provider, which communication transmits information which the
72	person	
73		knows or has reason to know that it is a false report and which results in the dispatch of
74	1	emergency services to a nonexistent emergency, where the report was motivated by
75	bigotry	and
76	•	bias including, but not limited to, a threatened, attempted or completed overt act
77	motivat	ed at
78		least in part by racial, religious, ethnic, handicap, gender, gender identity or sexual
79	orientat	ion
80]	prejudice, or which otherwise deprives another person of their constitutional rights by
81	threats,	
82		intimidation or coercion, or which seek to interfere with or disrupt a person's exercise of
83	1	constitutional rights through harassment or intimidation, is guilty of a misdemeanor and
84	if	
85		convicted shall be punished by imprisonment up to 2 ½ years in a jail, or a fine up to five
86		thousand (\$5,000), or by both imprisonment and fine. A person convicted of this section
87	shall	

88	also complete a diversity awareness program designed by the secretary of the executive
89	office of
90	public safety in consultation with the Massachusetts commission against discrimination
91	and
92	approved by the chief justice of the trial court. A person convicted shall complete such
93	program
94	prior to release from incarceration or prior to completion of the terms of probation,
95	whichever is
96	applicable.
97	(e) Any person who willfully and maliciously communicates with a PSAP, or an
98	emergency response services provider, or causes a communication to be made to a PSAP,
99	or an
100	emergency services provider, which communication transmits information, which the
101	person
102	knows, or has reason to know that it is a false report, and which results in the dispatch of
103	emergency services to a nonexistent emergency, where the report was motivated by
104	bigotry and
105	bias including, but not limited to, a threatened, attempted or completed overt act
106	motivated at

107	least in part by racial, religious, ethnic, handicap, gender, gender identity or sexual
108	orientation
109	prejudice, or which otherwise deprives another person of their constitutional rights by
110	threats,
111	intimidation or coercion, or which seek to interfere with or disrupt a person's exercise of
112	constitutional rights through harassment or intimidation, that is likely to cause great
113	bodily harm
114	or death is guilty of a felony and if convicted shall be punished by a fine of not more than
115	ten
116	thousand (\$10,000) or by imprisonment for not more than ten years, or by both
117	imprisonment
118	and fine. A person convicted shall also complete a diversity awareness program designed
119	by the
120	secretary of the executive office of public safety in consultation with the Massachusetts
121	commission against discrimination and approved by the chief justice of the trial court. A
122	person
123	convicted shall complete such program prior to release from incarceration or prior to
124	completion
125	of the terms of probation, whichever is applicable.

126	(f) Upon any conviction under this section, the court shall conduct a hearing to ascertain
127	the ex-tent of costs incurred, and damages and financial loss sustained by any emergency
128	response services provider as a result of the violation and shall order the defendant to
129	make
130	restitution to the emergency response services provider or providers for any such costs,
131	damages
132	or loss. The court shall consider the defendant's present and future ability to pay
133	restitution in its
134	de-terminations relative to the imposition of a fine. In determining the amount, time and
135	method
136	of payment of restitution, the court shall consider the defendant's employment status,
137	earning
138	ability, financial resources, living expenses, dependents and any special circumstances
139	that may
140	have bearing on their ability to pay. The court may waive restitution or modify the
141	amount, time
142	or method of payment if such restitution payment would cause a substantial financial
143	hardship to
144	the defendant or the defendant's immediate family or the defendant's dependents.

145	(g) Any individual who was the target of a false report in violation of any of these
146	sections, may bring a civil action against the person who violated this act or any other
147	individual
148	that knowingly benefits financially or receiving anything of value in result of the false
149	emergency, and may recover damages or any other appropriate relief, which may include
150	attorney's fees. If a victim of a false emergency call suffers a financial loss, then a judge
151	can and
152	may order restitution.