

SENATE BILL REPORT

SHB 2632

As Passed Senate - Amended, March 10, 2020

Title: An act relating to false reporting of a crime or emergency.

Brief Description: Concerning false reporting of a crime or emergency.

Sponsors: House Committee on Public Safety (originally sponsored by Representatives Valdez, Griffey, Ryu, Pellicciotti, Pollet, Orwall, Gregerson, Goodman, Irwin, Ramos, Slatter, Entenman, Davis and Macri).

Brief History: Passed House: 2/12/20, 97-0.

Committee Activity: Law & Justice: 2/19/20, 2/20/20 [DPA].

Floor Activity:

Passed Senate - Amended: 3/10/20, 49-0.

Brief Summary of Amended Bill

- Amends the crime of false reporting and creates new crimes for false reporting in the first and second degree when false reporting leads to substantial bodily harm or death.
- Clarifies a person who commits false reporting may be liable to the public agency for the costs of any emergency response and to the victim for damages sustained as a result of the false report.

SENATE COMMITTEE ON LAW & JUSTICE

Majority Report: Do pass as amended.

Signed by Senators Pedersen, Chair; Dhingra, Vice Chair; Padden, Ranking Member; Holy, Kuderer, Salomon and Wilson, L..

Staff: Shani Bauer (786-7468)

Background: A person is guilty of false reporting if, knowing that the information is false, the person initiates or circulates a false report or warning of a fire, explosion, crime, catastrophe, or emergency, and knowing that the false report will likely cause evacuation of a building, place of assembly, or transportation facility, or cause public inconvenience or alarm.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

False reporting is a gross misdemeanor.

Swatting is generally defined as the practice of making a prank call to emergency services in an attempt to dispatch a large number of armed police officers to a particular address where they are led to believe a horrific crime has been committed, or is in progress. The practice has gained notoriety stemming from online gamers making false reports to cause an emergency response to the address of online opponents. In one such incident, law enforcement response led to the police shooting and death of an innocent person who happened to live at the former address of a gamer.

Summary of Amended Bill: The Legislature intends to address the reckless act of swatting by increasing the penalties for false reporting when it leads to injury or death.

The crime of false reporting is amended and renamed false reporting in the third degree. The crimes of false reporting in the first and second degree are created.

A person commits the crime of false reporting if, knowing that the information is false, the person initiates or circulates a false report knowing it is likely to cause evacuation of a building, place of assembly, or transportation facility; public inconvenience or alarm; or an emergency response.

A person is guilty of false reporting in the 1st degree if the false report is made with reckless disregard for the safety of others, the false reporting caused an emergency response, and substantial bodily harm is sustained by any person as a proximate result of the emergency response. False reporting in the first degree is a Class B felony, seriousness level 7.

A person is guilty of false reporting in the second degree if the false report is made with reckless disregard for the safety of others, the false reporting caused an emergency response, and substantial bodily harm is sustained by any person as a proximate result of the emergency response. False reporting in the second degree is a Class C felony, seriousness level 3.

A person is guilty of false reporting in the third degree if they commit false reporting under circumstances not constituting false reporting in the first or second degree. False reporting in the third degree is a gross misdemeanor.

The crime of false reporting may be deemed to have been committed either at the place from which the false report was made; at the place where the false report was received by law enforcement; or at the place where an evacuation, public inconvenience or alarm, or emergency response occurred.

A juvenile charged with a first offense of false reporting is eligible for diversion at the discretion of the prosecutor.

Emergency response is defined as an action to protect life, health, or property by:

- a peace officer or law enforcement officer of the United States, the state, or a political subdivision of the state; and

- an agency of the United States, the state, or a political subdivision of the state, or a private not-for-profit organization, that provides fire, rescue, or emergency medical services.

An individual who is a victim of a crime of false reporting may bring a civil action against the person who committed the offense or against any person who participated in the offense and may recover damages and any other appropriate relief, including reasonable attorneys' fees. A person convicted of false reporting that resulted in an emergency response may be liable to a public agency for the reasonable costs of the emergency response.

Appropriation: None.

Fiscal Note: Available.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony on Substitute House Bill: *The committee recommended a different version of the bill than what was heard.* PRO: Swatting is when an individual decides to cause mischief or harm by making up a story and calling 911 to get a police response. There is growing concern throughout the state and country on the use of this tactic. Up until 2017, there was a total of eight swatting cases in Washington. Over the last two years, this number has jumped to 60. Many of these attacks seek to intimidate a person because of a person's race, LGBTQ status, or political voice.

Animosity can manifest itself in various ways. With the availability of more avenues online, there has been a proliferation of online forms of harassment. This bill is a good step forward in addressing this behavior and will allow victims to truly seek justice and address hate in Washington State.

Persons Testifying: PRO: Representative Javier Valdez, Prime Sponsor; Miri Cypers, Anti-Defamation League; James Feore, Seattle Online Broadcasters Association; Nancy Sapiro, Jewish Federation of Greater Seattle.

Persons Signed In To Testify But Not Testifying: No one.