

SENATE No. 2850

The Commonwealth of Massachusetts

PRESENTED BY:

Nick Collins

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:

Nick Collins

First Suffolk

Chynah Tyler

7th Suffolk

SENATE No. 2850

By Mr. Collins, a petition (accompanied by bill) (subject to Joint Rule 12) of Nick Collins and Chynah Tyler for legislation relative to false reporting of an emergency. The Judiciary.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-First General Court
(2019-2020)**

An Act relative to false reporting of an emergency.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to protect the public from malicious false reporting of crimes , therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public health and safety.

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 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 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 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 911 calls
11 to other public or private safety agencies or other PSAPs.

12 “Silent call”, a call or other communication made to a PSAP in which the initiating party
13 fails to provide information regarding his or her identity or location or the nature of the
14 emergency. The initiating party shall not be considered to have provided any information that is
15 automatically transmitted by a communication device or network upon connection with a PSAP
16 including, but not be limited to, automatic location information and automatic number
17 information.

18 “Emergency”, a condition or situation in which an individual has a need for an
19 emergency response services provider or immediate medical attention, or where the potential for
20 such need is perceived by the individual, a bystander or an emergency medical services provider.

21 “Substantial bodily injury” bodily injury which creates a permanent disfigurement,
22 protracted loss or impairment of a function of a body member, limb or organ, or substantial risk
23 of death.

24 (a) Any person who willfully and maliciously communicates with a PSAP, or an
25 emergency response services provider, or causes a communication to be made to a PSAP, which
26 communication transmits information which the person knows or has reason to know that it is a
27 false report and which results in the dispatch of emergency services to a nonexistent emergency
28 or to the wrong location of an actual emergency is guilty of a misdemeanor and upon conviction
29 shall be punishable by imprisonment in a jail or house of correction for not more than 6 months,
30 or by a fine of not more than two hundred (\$200), or by both such fine and imprisonment.

31 (b) Any person who willfully and maliciously, makes or causes a second or sub-sequent
32 false report(s) to be made or a second or subsequent silent call(s) to be made to any PSAP and
33 thereby causes emergency services to be dispatched, shall be punishable by imprisonment in the
34 house of correction for not more than 1 year or by a fine of not more than \$1,000.

35 (c) Any person who willfully and maliciously communicates with a PSAP, or an
36 emergency response services provider, or causes a communication to be made to a PSAP, or an
37 emergency services provider, which communication transmits information which the person
38 knows or has reason to know that it is a false report and which results in the dispatch of
39 emergency services to a nonexistent emergency or to the wrong location of an actual emergency,
40 who knows or should know, or recklessly disregards that the response to the report is likely to
41 cause great bodily harm or death, and death or great bodily harm is sustained by any individual
42 as a result of the false report, is guilty of a felony and upon conviction shall be punishable by
43 imprisonment in the state prison for not more than 5 years or in the house of correction for not
44 more than 2 ½ years, or by a fine of not more than five thousand (\$5,000), or by both that fine
45 and imprisonment.

46 (d) Any person who willfully and maliciously communicates with a PSAP, or an
47 emergency response services provider, or causes a communication to be made to a PSAP, or an
48 emergency services provider, which communication transmits information which the person
49 knows or has reason to know that it is a false report and which results in the dispatch of
50 emergency services to a nonexistent emergency, where the report was motivated by bigotry and
51 bias including, but not limited to, a threatened, attempted or completed overt act motivated at
52 least in part by racial, religious, ethnic, handicap, gender, gender identity or sexual orientation
53 prejudice, or which otherwise deprives another person of their constitutional rights by threats,

54 intimidation or coercion, or which seek to interfere with or disrupt a person's exercise of
55 constitutional rights through harassment or intimidation, is guilty of a misdemeanor and if
56 convicted shall be punished by imprisonment up to 2 ½ years in a jail, or a fine up to five
57 thousand (\$5,000), or by both imprisonment and fine. A person convicted of this section shall
58 also complete a diversity awareness program designed by the secretary of the executive office of
59 public safety in consultation with the Massachusetts commission against discrimination and
60 approved by the chief justice of the trial court. A person convicted shall complete such program
61 prior to release from incarceration or prior to completion of the terms of probation, whichever is
62 applicable.

63 (e) Any person who willfully and maliciously communicates with a PSAP, or an
64 emergency response services provider, or causes a communication to be made to a PSAP, or an
65 emergency services provider, which communication transmits information, which the person
66 knows, or has reason to know that it is a false report, and which results in the dispatch of
67 emergency services to a nonexistent emergency, where the report was motivated by bigotry and
68 bias including, but not limited to, a threatened, attempted or completed overt act motivated at
69 least in part by racial, religious, ethnic, handicap, gender, gender identity or sexual orientation
70 prejudice, or which otherwise deprives another person of their constitutional rights by threats,
71 intimidation or coercion, or which seek to interfere with or disrupt a person's exercise of
72 constitutional rights through harassment or intimidation, that is likely to cause great bodily harm
73 or death is guilty of a felony and if convicted shall be punished by a fine of not more than ten
74 thousand (\$10,000) or by imprisonment for not more than ten years, or by both imprisonment
75 and fine. A person convicted shall also complete a diversity awareness program designed by the
76 secretary of the executive office of public safety in consultation with the Massachusetts

77 commission against discrimination and approved by the chief justice of the trial court. A person
78 convicted shall complete such program prior to release from incarceration or prior to completion
79 of the terms of probation, whichever is applicable.

80 (f) Upon any conviction under this section, the court shall conduct a hearing to ascertain
81 the extent of costs incurred, and damages and financial loss sustained by any emergency
82 response services provider as a result of the violation and shall order the defendant to make
83 restitution to the emergency response services provider or providers for any such costs, damages
84 or loss. The court shall consider the defendant's present and future ability to pay restitution in its
85 determinations relative to the imposition of a fine. In determining the amount, time and method
86 of payment of restitution, the court shall consider the defendant's employment status, earning
87 ability, financial resources, living expenses, dependents and any special circumstances that may
88 have bearing on their ability to pay. The court may waive restitution or modify the amount, time
89 or method of payment if such restitution payment would cause a substantial financial hardship to
90 the defendant or the defendant's immediate family or the defendant's dependents.

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