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HOUSE BILL NO. 1613

Offered January 11, 2023

Prefiled January 6, 2023

A *BILL to amend and reenact § 15.2-1716.1 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 18.2-461.1, relating to false emergency communication to emergency personnel; penalties.*

Patrons—Williams Graves and Clark

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That § 15.2-1716.1 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding a section numbered 18.2-461.1 as follows:

§ 15.2-1716.1. Reimbursement of expenses incurred in responding to terrorism hoax incident, bomb threat, or malicious activation of fire alarm.

Any locality may provide by ordinance that any person who is convicted of a violation of subsection B or C of § 18.2-46.6, a felony violation of § 18.2-83 or 18.2-84, or a violation of § 18.2-212 or 18.2-461.1, when his violation of such section is the proximate cause of any incident resulting in an appropriate emergency response, shall be liable at the time of sentencing or in a separate civil action to the locality or to any volunteer emergency medical services agency, or both, which may provide such emergency response for the reasonable expense thereof, in an amount not to exceed \$2,500 in the aggregate for a particular incident occurring in such locality. In determining the "reasonable expense," a locality may bill a flat fee of \$250 or a minute-by-minute accounting of the actual costs incurred. As used in this section, "appropriate emergency response" includes all costs of providing law-enforcement, firefighting, and emergency medical services. The provisions of this section shall not preempt or limit any remedy available to the Commonwealth, to the locality, or to any volunteer emergency medical services agency to recover the reasonable expenses of an emergency response to an incident not involving a terroristic hoax or an act undertaken in violation of § 18.2-83, 18.2-84, or 18.2-212, or 18.2-461.1 as set forth herein.

§ 18.2-461.1. False emergency communication to emergency personnel; penalties.

A. As used in this section:

"Emergency communication" means a communication of any type to report a fire or to summon a firefighter, as defined in § 65.2-107, law-enforcement officer, as defined in § 9.1-101, or emergency medical services personnel, as defined in § 32.1-111.1, in a situation where human life, health, or property is in jeopardy and the prompt summoning of aid is essential.

"Emergency personnel" means any person, paid or volunteer, who receive communications for the dispatch of firefighters, law-enforcement officers, or emergency medical services personnel.

"Emergency response" means a response by a firefighter, law-enforcement officer, or emergency medical services personnel to a situation where human life, health, or property is in jeopardy and the prompt provision of aid is essential to protect human life, health, or property.

B. Any person who knowingly reports, or causes another to report in reliance on intentionally false information provided by such person, a false emergency communication to any emergency personnel that results in an emergency response is guilty of a Class 1 misdemeanor.

C. Any person who knowingly reports, or causes another to report in reliance on intentionally false information provided by such person, a false emergency communication to any emergency personnel that results in an emergency response during which and as a result of such emergency response any person suffers serious bodily injury, as defined in § 18.2-51.4, is guilty of a Class 6 felony.

D. Any person who reports, or causes another to report in reliance on intentionally false information provided by such person, a false emergency communication to any emergency personnel that results in an emergency response during which and as a result of such emergency response any person is killed is guilty of a Class 5 felony

E. Any person violating this section may be prosecuted in the county or city where the emergency communication was made, in the county or city where the emergency communication was received, or in the county or city where the emergency response occurred.

F. A violation of this section shall constitute a separate and distinct offense. The provisions of this section shall not preclude prosecution under any other statute.

2. That the Secretary of Education, together with the Secretary of Public Safety and Homeland Security, shall convene a work group for the purpose of establishing best practices, policies, and

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59 procedures for school personnel in the event of false information resulting in an emergency
60 response at or near a school. The work group shall include representative members from the
61 Virginia State Police, the Virginia Sheriffs' Association, the Virginia Association of Chiefs of
62 Police, the Virginia Police Benevolent Association, the Virginia Association of School
63 Superintendents, the Virginia School Boards Association, the Virginia Education Association, and
64 such other stakeholders as the Secretary of Education and Secretary of Public Safety and
65 Homeland Security deem appropriate. The Secretariats shall report their findings and
66 recommendations to the Governor and the Chairmen of the House Committees on Education and
67 Public Safety and the Senate Committees on Education and Health and on the Judiciary by
68 December 1, 2023. The work group shall not be a public body as defined in § 2.2-3701 of the
69 Virginia Freedom of Information Act (§ 2.2-3700 et seq. of the Code of Virginia), but its meetings
70 shall be open to the public with notice provided by the Department of Education as provided in
71 subsection C of § 2.2-3707 of the Code of Virginia.

72 3. That the provisions of this act may result in a net increase in periods of imprisonment or
73 commitment. Pursuant to § 30-19.1:4 of the Code of Virginia, the estimated amount of the
74 necessary appropriation cannot be determined for periods of imprisonment in state adult
75 correctional facilities; therefore, Chapter 2 of the Acts of Assembly of 2022, Special Session I,
76 requires the Virginia Criminal Sentencing Commission to assign a minimum fiscal impact of
77 \$50,000. Pursuant to § 30-19.1:4 of the Code of Virginia, the estimated amount of the necessary
78 appropriation cannot be determined for periods of commitment to the custody of the Department
79 of Juvenile Justice.