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## SENATE BILL NO. 1291

## AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee on the Judiciary

on January 30, 2023)

(Patron Prior to Substitute—Senator Deeds)

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 emergency response; false information by device; penalty.*

**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, the Virginia State Police, or to any volunteer emergency medical services agency, or both any combination thereof, 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 reported to be in jeopardy and the prompt summoning of aid is essential.

"Emergency personnel" means the same as that term is defined in § 18.2-426.

"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 and any person suffers serious bodily injury, as defined in § 18.2-51.4, as a direct and proximate result of the false emergency communication to emergency personnel 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 and any person is killed as a direct and proximate result of the false emergency communication to personnel 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 provisions of this act may result in a net increase in periods of imprisonment or commitment. Pursuant to § 30-19.1:4 of the Code of Virginia, the estimated amount of the necessary appropriation cannot be determined for periods of imprisonment in state adult correctional facilities; therefore, Chapter 2 of the Acts of Assembly of 2022, Special Session I, requires the Virginia Criminal Sentencing Commission to assign a minimum fiscal impact of**

60 \$50,000. Pursuant to § 30-19.1:4 of the Code of Virginia, the estimated amount of the necessary  
61 appropriation cannot be determined for periods of commitment to the custody of the Department  
62 of Juvenile Justice.