

By: Hochberg

H.B. No. 832

A BILL TO BE ENTITLED

AN ACT

relating to the offense of making a false report of a medical emergency to emergency services providers.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 42.06, Penal Code, is amended to read as follows:

Sec. 42.06. FALSE ALARM OR REPORT. (a) A person commits an offense if the person [~~he~~] knowingly initiates, communicates or circulates a report of a present, past, or future bombing, fire, offense, or other nonmedical emergency that the person [~~he~~] knows is false or baseless and that would ordinarily:

(1) cause action by an official or volunteer agency organized to deal with emergencies;

(2) place a person in fear of imminent serious bodily injury; or

(3) prevent or interrupt the occupation of a building, room, place of assembly, place to which the public has access, or aircraft, automobile, or other mode of conveyance.

(b) A person commits an offense if the person knowingly initiates, communicates or circulates a report of a medical emergency that the person knows is false or baseless and that would ordinarily cause action by an official or volunteer agency organized to deal with medical emergencies.

(c) An offense under Subsection (a) [~~this section~~] is a Class

1 A misdemeanor unless the false report is of an emergency involving a  
2 public primary or secondary school, public communications, public  
3 transportation, public water, gas, or power supply or other public  
4 service, in which event the offense is a state jail felony. An  
5 offense under Subsection (b) is a Class C misdemeanor.

6 SECTION 2. Article 14.06, Code of Criminal Procedure, is  
7 amended by adding Subsection (c) to read as follows:

8 (c) A peace officer who is charging a person with committing  
9 an offense under Section 42.06(b), Penal Code, shall, instead of  
10 taking the person before a magistrate, issue a citation to the  
11 person that contains written notice of the time and place the person  
12 must appear before a magistrate, the name and address of the person  
13 charged, and the offense charged.

14 SECTION 3. (a) This Act takes effect September 1, 2003.

15 (b) The change in law made by this Act applies only to an  
16 offense committed on or after the effective date of this Act. An  
17 offense committed before the effective date of this Act is covered  
18 by the law in effect when the offense was committed, and the former  
19 law is continued in effect for that purpose. For purposes of this  
20 subsection, an offense was committed before the effective date of  
21 this Act if any element of the offense was committed before that  
22 date.