

Amend SB 1056 (house committee report) as follows:

(1) Strike SECTION 1 of the bill (page 1, line 5, though page 3, line 1) and substitute the following:

SECTION 1. Chapter 42, Penal Code, is amended by adding Section 42.0601 to read as follows:

Sec. 42.0601. FALSE REPORT TO INDUCE EMERGENCY RESPONSE.

(a) A person commits an offense if:

(1) the person makes a report of a criminal offense or an emergency or causes a report of a criminal offense or an emergency to be made to a peace officer, law enforcement agency, 9-1-1 service as defined by Section 771.001, Health and Safety Code, official or volunteer agency organized to deal with emergencies, or any other governmental employee or contractor who is authorized to receive reports of a criminal offense or emergency;

(2) the person knows that the report is false;

(3) the report causes an emergency response from a law enforcement agency or other emergency responder; and

(4) in making the report or causing the report to be made, the person is reckless with regard to whether the emergency response by a law enforcement agency or other emergency responder may directly result in bodily injury to another person.

(b) An offense under this section is a Class A misdemeanor, except that the offense is:

(1) a state jail felony if it is shown on the trial of the offense that the defendant has previously been convicted two or more times of an offense under this section; or

(2) a felony of the third degree if:

(A) the false report was of a criminal offense to which a law enforcement agency or other emergency responder responded; and

(B) a person suffered serious bodily injury or death as a direct result of lawful conduct arising out of that response.

(c) If conduct constituting an offense under this section also constitutes an offense under another section of this code, the actor may be prosecuted under either section or both sections.

(d) This section may not be construed in any manner to conflict with 47 U.S.C. Section 230 or 42 U.S.C. Section 1983.

(2) On page 3, line 4, strike "SWATTING. The offense of swatting" and substitute "FALSE REPORT TO INDUCE EMERGENCY RESPONSE. An offense under Section 42.0601, Penal Code,".

(3) On page 3, line 7, strike "communicated" and substitute "made".

(4) On page 3, line 8, between "agency" and "responded", insert "or other emergency responder".

(5) On page 4, line 9, strike "22.14" and substitute "42.0601".

(6) On page 4, lines 9 and 10, strike "been previously adjudicated for conduct in violation of" and substitute "previously been adjudicated as having engaged in conduct violating".

(7) Add the following appropriately numbered SECTIONS to the bill and renumber the SECTIONS of the bill accordingly:

SECTION _____. Article 42.037, Code of Criminal Procedure, is amended by adding Subsection (w) to read as follows:

(w) If a defendant is convicted of an offense under Section 42.0601, Penal Code, the court may order the defendant to make restitution to an entity for the reasonable costs of the emergency response by that entity resulting from the false report.

SECTION _____. Article 42.014(a), Code of Criminal Procedure, is amended to read as follows:

(a) In the trial of an offense under Title 5, Penal Code, or Section 28.02, 28.03, ~~[or]~~ 28.08, or 42.0601, Penal Code, the judge shall make an affirmative finding of fact and enter the affirmative finding in the judgment of the case if at the guilt or innocence phase of the trial, the judge or the jury, whichever is the trier of fact, determines beyond a reasonable doubt that the defendant intentionally selected the person against whom the offense was committed, or intentionally selected the person's property that was damaged or affected as a result of the offense, because of the defendant's bias or prejudice against a group identified by race, color, disability, religion, national origin or ancestry, age, gender, or sexual preference or by status as a peace officer or judge.