

BILL ANALYSIS

Senate Research Center

S.B. 1056
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Jurisprudence
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AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Swatting is the act of falsely reporting an emergency or crime to law enforcement or emergency service with the intent of having an emergency response deployed to a specific location. These false reports have become more frequent and have resulted in mental and physical injuries to the targeted victims and witnesses. This scheme is both costly and dangerous.

S.B. 1056 creates an offense if a person knowingly makes a false report that is reasonably likely to cause an emergency response from a law enforcement agency or other emergency responder and causes the report to be made with reckless disregard about whether the response may result in bodily harm to any individual.

As proposed, S.B. 1056 amends current law relating to criminal liability for reporting false information to draw an emergency response and creates an offense.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 22, Penal Code, by adding Section 22.13, as follows:

Sec. 22.14 SWATTING. (a) Provides that a person commits an offense if the person reports a crime or an emergency or causes any report of a crime or an emergency to be made to a law enforcement officer, law enforcement agency, 9-1-1 service, official or volunteer agency, or any other governmental employee or contractor who is authorized to receive reports of a crime or emergency and:

- (1) the person knows that the report is false;
- (2) the report is reasonably likely to cause an emergency response from a law enforcement agency or other emergency responder; and
- (3) the person makes the report or causes the report to be made with reckless disregard about whether the emergency response by a law enforcement agency or other emergency responder may directly result in bodily harm to any individual.

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

- (1) the offense is a state jail felony if it is shown on the trial of the offense that the defendant has been previously convicted on two or more occasions of an offense under this section; or
- (2) the offense is a felony of the third degree if the false report results in an emergency response to a reported crime and a person is killed or suffers

serious bodily injury as a proximate result of lawful conduct arising out of that response.

(c) Authorizes a court to order a defendant convicted of an offense under this section to make restitution to a public agency for the reasonable costs of the emergency response by that public agency resulting from the false report.

(d) Provides that, if in the trial of an offense under this section, an affirmative finding is made that the offense was committed because of bias or prejudice, under Article 42.014 (Finding that Offense was Committed Because of Bias or Prejudice), Code of Criminal Procedure, the punishment for the offense is increased as provided under Section 12.47 (Penalty if Offense Committed Because of Bias or Prejudice).

(e) Provides that it is not a defense to prosecution under this section that no physical harm occurred to any person as a result of the false report, or that any harm that occurred was to physical property rather than injury to a person.

(f) Requires that nothing in this section be construed in any manner to conflict with 47 U.S.C. § 230 of the Communication Decency Act or conflict with 42 U.S.C. § 1983 of the Civil Rights Act.

(g) Authorizes the prosecution of the actor, if conduct constituting an offense under this section also constitutes an offense under another section of the Penal Code, under either section or both sections.

SECTION 2. Amends Chapter 13, Code of Criminal Procedure, by adding Article 13.40, as follows:

Art. 13.40. SWATTING. Authorizes the prosecution of the offense of swatting in any county in which the defendant resides, the false report was communicated, or a law enforcement agency responded to the false report.

SECTION 3. Amends Section 51.03(b), Family Code, to provide that, notwithstanding Subsection (a)(1) (relating to the definition of delinquent conduct), conduct indicating a need for supervision is conduct that violates Section 22.14, Penal Code, if the child has not been previously adjudicated for conduct in violation of that section. Makes nonsubstantive changes.

SECTION 5. Effective date: September 1, 2021.