

AN ACT

relating to criminal liability for reporting false information to draw an emergency response; creating an offense.

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

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,

1 except that the offense is:

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

5 (2) a felony of the third degree if:

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

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

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

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

17 SECTION 2. Chapter 13, Code of Criminal Procedure, is
18 amended by adding Article 13.40 to read as follows:

19 Art. 13.40. FALSE REPORT TO INDUCE EMERGENCY RESPONSE. An
20 offense under Section 42.0601, Penal Code, may be prosecuted in any
21 county in which:

22 (1) the defendant resides;

23 (2) the false report was made; or

24 (3) a law enforcement agency or other emergency
25 responder responded to the false report.

26 SECTION 3. Article 42.014(a), Code of Criminal Procedure,
27 is amended to read as follows:

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

14 SECTION 4. Article 42.037, Code of Criminal Procedure, is
15 amended by adding Subsection (w) to read as follows:

16 (w) If a defendant is convicted of an offense under Section
17 42.0601, Penal Code, the court may order the defendant to make
18 restitution to an entity for the reasonable costs of the emergency
19 response by that entity resulting from the false report.

20 SECTION 5. Section 51.03(b), Family Code, is amended to
21 read as follows:

22 (b) Conduct indicating a need for supervision is:

23 (1) subject to Subsection (f), conduct, other than a
24 traffic offense, that violates:

25 (A) the penal laws of this state of the grade of
26 misdemeanor that are punishable by fine only; or

27 (B) the penal ordinances of any political

1 subdivision of this state;

2 (2) the voluntary absence of a child from the child's
3 home without the consent of the child's parent or guardian for a
4 substantial length of time or without intent to return;

5 (3) conduct prohibited by city ordinance or by state
6 law involving the inhalation of the fumes or vapors of paint and
7 other protective coatings or glue and other adhesives and the
8 volatile chemicals itemized in Section 485.001, Health and Safety
9 Code;

10 (4) an act that violates a school district's
11 previously communicated written standards of student conduct for
12 which the child has been expelled under Section 37.007(c),
13 Education Code;

14 (5) notwithstanding Subsection (a)(1), conduct
15 described by Section 43.02(a) or (b), Penal Code; ~~or~~

16 (6) notwithstanding Subsection (a)(1), conduct that
17 violates Section 43.261, Penal Code; or

18 (7) notwithstanding Subsection (a)(1), conduct that
19 violates Section 42.0601, Penal Code, if the child has not
20 previously been adjudicated as having engaged in conduct violating
21 that section.

22 SECTION 6. This Act takes effect September 1, 2021.

President of the Senate

Speaker of the House

I hereby certify that S.B. No. 1056 passed the Senate on April 19, 2021, by the following vote: Yeas 31, Nays 0; and that the Senate concurred in House amendment on May 27, 2021, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

I hereby certify that S.B. No. 1056 passed the House, with amendment, on May 11, 2021, by the following vote: Yeas 142, Nays 1, two present not voting.

Chief Clerk of the House

Approved:

Date

Governor