

1-1 By: Huffman S.B. No. 1056  
1-2 (In the Senate - Filed March 4, 2021; March 18, 2021, read  
1-3 first time and referred to Committee on Jurisprudence;  
1-4 April 9, 2021, reported favorably by the following vote: Yeas 5,  
1-5 Nays 0; April 9, 2021, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
1-9	X			
1-10	X			
1-11	X			
1-12	X			

1-13 A BILL TO BE ENTITLED  
1-14 AN ACT

1-15 relating to criminal liability for reporting false information to  
1-16 draw an emergency response; creating an offense.

1-17 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-18 SECTION 1. Chapter 22, Penal Code, is amended by adding  
1-19 Section 22.14 to read as follows:

1-20 Sec. 22.14. SWATTING. (a) A person commits an offense if  
1-21 the person reports a crime or an emergency or causes any report of a  
1-22 crime or an emergency to be made to a law enforcement officer, law  
1-23 enforcement agency, 9-1-1 service, official or volunteer agency, or  
1-24 any other governmental employee or contractor who is authorized to  
1-25 receive reports of a crime or emergency and:

1-26 (1) the person knows that the report is false;

1-27 (2) the report is reasonably likely to cause an  
1-28 emergency response from a law enforcement agency or other emergency  
1-29 responder; and

1-30 (3) the person makes the report or causes the report to  
1-31 be made with reckless disregard about whether the emergency  
1-32 response by a law enforcement agency or other emergency responder  
1-33 may directly result in bodily harm to any individual.

1-34 (b) An offense under this section is a Class A misdemeanor,  
1-35 except that:

1-36 (1) the offense is a State Jail Felony if it is shown  
1-37 on the trial of the offense that the defendant has been previously  
1-38 convicted on two or more occasions of an offense under this section;  
1-39 or

1-40 (2) the offense is a felony of the third degree if the  
1-41 false report results in an emergency response to a reported crime  
1-42 and a person is killed or suffers serious bodily injury as a  
1-43 proximate result of lawful conduct arising out of that response.

1-44 (c) A court may order a defendant convicted of an offense  
1-45 under this section to make restitution to a public agency for the  
1-46 reasonable costs of the emergency response by that public agency  
1-47 resulting from the false report.

1-48 (d) If in the trial of an offense under this section, an  
1-49 affirmative finding is made that the offense was committed because  
1-50 of bias or prejudice, under Article 42.014, Code of Criminal  
1-51 Procedure, the punishment for the offense is increased as provided  
1-52 under Section 12.47.

1-53 (e) It is not a defense to prosecution under this section  
1-54 that no physical harm occurred to any person as a result of the  
1-55 false report, or that any harm that occurred was to physical  
1-56 property rather than injury to a person.

1-57 (f) Nothing in this section shall be construed in any manner  
1-58 to:

1-59 (1) conflict with 47 U.S.C. Section 230 of the  
1-60 Communication Decency Act; or

1-61 (2) conflict with 42 U.S.C. Section 1983 of the Civil

2-1 Rights Act.

2-2 (g) If conduct constituting an offense under this section  
2-3 also constitutes an offense under another section of this code, the  
2-4 actor may be prosecuted under either section or both sections.

2-5 SECTION 2. Chapter 13, Code of Criminal Procedure, is  
2-6 amended by adding Article 13.40 to read as follows:

2-7 Art. 13.40. SWATTING. The offense of swatting may be  
2-8 prosecuted in any county in which:

2-9 (1) the defendant resides;

2-10 (2) the false report was communicated; or

2-11 (3) a law enforcement agency responded to the false  
2-12 report.

2-13 SECTION 3. Section 51.03(b), Family Code, is amended to  
2-14 read as follows:

2-15 (b) Conduct indicating a need for supervision is:

2-16 (1) subject to Subsection (f), conduct, other than a  
2-17 traffic offense, that violates:

2-18 (A) the penal laws of this state of the grade of  
2-19 misdemeanor that are punishable by fine only; or

2-20 (B) the penal ordinances of any political  
2-21 subdivision of this state;

2-22 (2) the voluntary absence of a child from the child's  
2-23 home without the consent of the child's parent or guardian for a  
2-24 substantial length of time or without intent to return;

2-25 (3) conduct prohibited by city ordinance or by state  
2-26 law involving the inhalation of the fumes or vapors of paint and  
2-27 other protective coatings or glue and other adhesives and the  
2-28 volatile chemicals itemized in Section 485.001, Health and Safety  
2-29 Code;

2-30 (4) an act that violates a school district's  
2-31 previously communicated written standards of student conduct for  
2-32 which the child has been expelled under Section 37.007(c),  
2-33 Education Code;

2-34 (5) notwithstanding Subsection (a)(1), conduct  
2-35 described by Section 43.02(a) or (b), Penal Code; ~~or~~

2-36 (6) notwithstanding Subsection (a)(1), conduct that  
2-37 violates Section 43.261, Penal Code; or

2-38 (7) notwithstanding Subsection (a)(1), conduct that  
2-39 violates Section 22.14, Penal Code, if the child has not been  
2-40 previously adjudicated for conduct in violation of that section.

2-41 SECTION 4. This Act takes effect September 1, 2021.

2-42 \* \* \* \* \*