

HOUSE BILL NO. 1613

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee for Courts of Justice

on \_\_\_\_\_)

(Patron Prior to Substitute--Delegate Williams Graves)

A BILL to amend and reenact § 15.2-1716.1 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 18.2-461.1, relating to false emergency communication to emergency personnel; penalties.

**Be it enacted by the General Assembly of Virginia:**

**1. That § 15.2-1716.1 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding a section numbered 18.2-461.1 as follows:**

**§ 15.2-1716.1. Reimbursement of expenses incurred in responding to terrorism hoax incident, bomb threat, or malicious activation of fire alarm.**

Any locality may provide by ordinance that any person who is convicted of a violation of subsection B or C of § 18.2-46.6, a felony violation of § 18.2-83 or 18.2-84, or a violation of § 18.2-212 or 18.2-461.1, when his violation of such section is the proximate cause of any incident resulting in an appropriate emergency response, shall be liable at the time of sentencing or in a separate civil action to the locality, the Virginia State Police, or to any volunteer emergency medical services agency, or ~~both~~ any combination thereof, which may provide such emergency response for the reasonable expense thereof, in an amount not to exceed \$2,500 in the aggregate for a particular incident occurring in such locality. In determining the "reasonable expense," a locality may bill a flat fee of \$250 or a minute-by-minute accounting of the actual costs incurred. As used in this section, "appropriate emergency response" includes all costs of providing law-enforcement, firefighting, and emergency medical services. The provisions of this section shall not preempt or limit any remedy available to the Commonwealth, to the locality, or to any volunteer emergency medical services agency to recover the reasonable expenses of an emergency

26 response to an incident not involving a terroristic hoax or an act undertaken in violation of § 18.2-83, 18.2-  
27 84, ~~or~~ 18.2-212, or 18.2-461.1 as set forth herein.

28 **§ 18.2-461.1. False emergency communication to emergency personnel; penalties.**

29 A. As used in this section:

30 "Emergency communication" means a communication of any type to report a fire or to summon a  
31 firefighter, as defined in § 65.2-107, law-enforcement officer, as defined in § 9.1-101, or emergency  
32 medical services personnel, as defined in § 32.1-111.1, in a situation where human life, health, or property  
33 is in jeopardy and the prompt summoning of aid is essential.

34 "Emergency personnel" means the same as that term is defined in § 18.2-426.

35 "Emergency response" means a response by a firefighter, law-enforcement officer, or emergency  
36 medical services personnel to a situation where human life, health, or property is in jeopardy and the  
37 prompt provision of aid is essential to protect human life, health, or property.

38 B. Any person who knowingly reports, or causes another to report in reliance on intentionally false  
39 information provided by such person, a false emergency communication to any emergency personnel that  
40 results in an emergency response is guilty of a Class 1 misdemeanor.

41 C. Any person who knowingly reports, or causes another to report in reliance on intentionally false  
42 information provided by such person, a false emergency communication to any emergency personnel that  
43 results in an emergency response during which and as a result of such emergency response any person  
44 suffers serious bodily injury, as defined in § 18.2-51.4, is guilty of a Class 6 felony.

45 D. Any person who reports, or causes another to report in reliance on intentionally false  
46 information provided by such person, a false emergency communication to any emergency personnel that  
47 results in an emergency response during which and as a result of such emergency response any person is  
48 killed is guilty of a Class 5 felony.

49 E. Any person violating this section may be prosecuted in the county or city where the emergency  
50 communication was made, in the county or city where the emergency communication was received, or in  
51 the county or city where the emergency response occurred.

52 F. A violation of this section shall constitute a separate and distinct offense. The provisions of this  
53 section shall not preclude prosecution under any other statute.

54 **2. That the Secretary of Education, together with the Secretary of Public Safety and Homeland**  
55 **Security, shall convene a work group for the purpose of establishing best practices, policies, and**  
56 **procedures for school personnel in the event of false information resulting in an emergency response**  
57 **at or near a school. The work group shall include representative members from the Virginia State**  
58 **Police, the Virginia Sheriffs' Association, the Virginia Association of Chiefs of Police, the Virginia**  
59 **Police Benevolent Association, the Virginia Association of School Superintendents, the Virginia**  
60 **School Boards Association, the Virginia Education Association, and such other stakeholders as the**  
61 **Secretary of Education and Secretary of Public Safety and Homeland Security deem appropriate.**  
62 **The Secretariats shall report their findings and recommendations to the Governor and the**  
63 **Chairmen of the House Committees on Education and Public Safety and the Senate Committees on**  
64 **Education and Health and on the Judiciary by December 1, 2023. The work group shall not be a**  
65 **public body as defined in § 2.2-3701 of the Virginia Freedom of Information Act (§ 2.2-3700 et seq.**  
66 **of the Code of Virginia), but its meetings shall be open to the public with notice provided by the**  
67 **Department of Education as provided in subsection C of § 2.2-3707 of the Code of Virginia.**

68 **3. That the provisions of this act may result in a net increase in periods of imprisonment or**  
69 **commitment. Pursuant to § 30-19.1:4 of the Code of Virginia, the estimated amount of the necessary**  
70 **appropriation is \_\_\_\_\_ for periods of imprisonment in state adult correctional facilities;**  
71 **therefore, Chapter 2 of the Acts of Assembly of 2022, Special Session I, requires the Virginia**  
72 **Criminal Sentencing Commission to assign a minimum fiscal impact of \$50,000. Pursuant to § 30-**  
73 **19.1:4 of the Code of Virginia, the estimated amount of the necessary appropriation is \_\_\_\_\_ for**  
74 **periods of commitment to the custody of the Department of Juvenile Justice.**

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