H. R. 4057

To amend title 18, United States Code, to establish a criminal violation for using false communications with the intent to create an emergency response, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 18, 2015

Ms. CLARK of Massachusetts (for herself and Mr. MEEHAN) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To amend title 18, United States Code, to establish a criminal violation for using false communications with the intent to create an emergency response, and for other purposes.

1 Be it enacted by the Senate and House of Representa-
2 tives of the United States of America in Congress assembled,
3 SECTION 1. SHORT TITLE.
4 This Act may be cited as the “Interstate Swatting
5 Hoax Act”.

SEC. 2. FALSE COMMUNICATIONS WITH THE INTENT TO
CAUSE AN EMERGENCY RESPONSE.

(a) IN GENERAL.—Chapter 47 of title 18, United States Code, is amended by adding at the end the following new section:

“§ 1041. False communications with the intent to cause an emergency response.

“(a) CRIMINAL VIOLATION.—Whoever, with the intent to cause an emergency response by any law enforcement agency, in the absence of circumstances requiring such a response, uses a telecommunications system, the mails, or any other facility of interstate or foreign commerce to knowingly transmit false or misleading information indicating that conduct has taken, is taking, or will take place that may reasonably be believed to constitute a violation of any State or Federal criminal law, or endanger public health or safety, shall—

“(1) if an emergency response results, be fined under this title or imprisoned not more than 5 years, or both;

“(2) if serious bodily injury (as defined in section 1365) results, be fined under this title or imprisoned not more than 20 years, or both;

“(3) if death results, be fined under this title or imprisoned for any number of years or for life, or both; and
“(4) in any other case, be fined under this title or imprisoned not more than 1 year, or both.

“(b) CIVIL ACTION.—Whoever, with the intent to cause an emergency response by any law enforcement agency, in the absence of circumstances requiring such a response, uses a telecommunications system, the mails, or any other facility of interstate or foreign commerce to knowingly transmit false or misleading information indicating that conduct has taken, is taking, or will take place that may reasonably be believed to constitute a violation of any State or Federal criminal law, or endanger public health or safety, is liable in a civil action to any party incurring expenses incident to any emergency response to that conduct, for those expenses.

“(c) REIMBURSEMENT.—

“(1) IN GENERAL.—The court, in imposing a sentence on a defendant convicted of an offense under subsection (a), shall order the defendant to reimburse any party for expenses for an emergency response necessitated by such offense.

“(2) LIABILITY.—A person ordered to make reimbursement under this subsection shall be jointly and severally liable for such expenses with each other person, if any, who is ordered to make reim-
bursement under this subsection for the same ex-

"(3) CIVIL JUDGMENT.—An order of reim-
bursement under this subsection shall, for the pur-
poses of enforcement, be treated as a civil judgment.

"(d) DEFINITIONS.—In this section:

"(1) EMERGENCY RESPONSE.—The term ‘emerg-
ey response’ means any action taken by law en-
forcement personnel to immediately respond to an
event that threatens or may reasonably be believed
to threaten public health or safety.

"(2) LAW ENFORCEMENT AGENCY.—The term
‘law enforcement agency’ means any public agency
of the United States, a State, or a political subdivi-
sion of a State charged with policing functions.

"(3) STATE.—The term ‘State’ means each of
the several States, the District of Columbia, each
commonwealth, territory, or possession of the United
States, and each federally recognized Indian tribe.

"(4) TELECOMMUNICATIONS SYSTEM.—The
term ‘telecommunications system’ means any inter-
active computer service or electronic communication
service or electronic communication system of inter-
state commerce.”.


(b) TECHNICAL AMENDMENT.—The table of sections for chapter 47 of title 18, United States Code, is amended by adding at the end the following new item:

“1041. False communications with the intent to cause an emergency response.”.