

114TH CONGRESS  
1ST SESSION

# 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.

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## 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

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## 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”.

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

3 (a) IN GENERAL.—Chapter 47 of title 18, United  
4 States Code, is amended by adding at the end the fol-  
5 lowing new section:

6 **“§ 1041. False communications with the intent to**  
7 **cause an emergency response.**

8 “(a) CRIMINAL VIOLATION.—Whoever, with the in-  
9 tent to cause an emergency response by any law enforce-  
10 ment agency, in the absence of circumstances requiring  
11 such a response, uses a telecommunications system, the  
12 mails, or any other facility of interstate or foreign com-  
13 merce to knowingly transmit false or misleading informa-  
14 tion indicating that conduct has taken, is taking, or will  
15 take place that may reasonably be believed to constitute  
16 a violation of any State or Federal criminal law, or endan-  
17 ger public health or safety, shall—

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

21 “(2) if serious bodily injury (as defined in sec-  
22 tion 1365) results, be fined under this title or im-  
23 prisoned not more than 20 years, or both;

24 “(3) if death results, be fined under this title  
25 or imprisoned for any number of years or for life,  
26 or both; and

1           “(4) in any other case, be fined under this title  
2           or imprisoned not more than 1 year, or both.

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

15          “(c) REIMBURSEMENT.—

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

21                 “(2) LIABILITY.—A person ordered to make re-  
22                 imbursement under this subsection shall be jointly  
23                 and severally liable for such expenses with each  
24                 other person, if any, who is ordered to make reim-

1       bursement under this subsection for the same ex-  
2       penses.

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

6       “(d) DEFINITIONS.—In this section:

7           “(1) EMERGENCY RESPONSE.—The term ‘emer-  
8       gency response’ means any action taken by law en-  
9       forcement personnel to immediately respond to an  
10      event that threatens or may reasonably be believed  
11      to threaten public health or safety.

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

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

20          “(4) TELECOMMUNICATIONS SYSTEM.—The  
21      term ‘telecommunications system’ means any inter-  
22      active computer service or electronic communication  
23      service or electronic communication system of inter-  
24      state commerce.”.

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

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

