

FINAL BILL REPORT

SHB 2632

C 344 L 20
Synopsis as Enacted

Brief Description: Concerning false reporting of a crime or emergency.

Sponsors: House Committee on Public Safety (originally sponsored by Representatives Valdez, Griffey, Ryu, Pellicciotti, Pollet, Orwall, Gregerson, Goodman, Irwin, Ramos, Slatter, Entenman, Davis and Macri).

House Committee on Public Safety
Senate Committee on Law & Justice

Background:

Crime of False Reporting.

False Reporting is a gross misdemeanor. A person is guilty of False Reporting if he or she:

- initiated or circulated a false report or warning of an alleged occurrence or impeding occurrence of a fire, explosion, crime, catastrophe, or emergency;
- knew that the information was false; and
- knew that the false report was likely to cause an evacuation of a building, place of assembly, or transportation facility, or cause public inconvenience or alarm.

Classification of Crimes and Fines.

Crimes are classified as misdemeanors, gross misdemeanors, or felonies. The classification of a crime generally determines the maximum term of confinement (prison or jail) or fine for an offense. For each classification, the maximum terms of confinement and maximum fines are as follows:

| <u>Classification</u> | <u>Maximum Confinement</u> | <u>Maximum Fine</u> |
|-----------------------|----------------------------|---------------------|
| Misdemeanor | 90 days | \$1,000 |
| Gross Misdemeanor | 364 days | \$5,000 |
| Class C Felony | 5 years | \$10,000 |
| Class B Felony | 10 years | \$20,000 |
| Class A Felony | Life | \$50,000 |

When a person is convicted of a felony, the Sentencing Reform Act applies and determines a specific range of confinement within the statutory maximum. Ranges are determined by a sentencing grid. The sentencing grid provides a standard range of months for the sentence,

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based on both the severity, or "seriousness level," of the offense and the convicted person's "offender score," which is based on the offender's criminal history. Seriousness levels range from I to XVI, and offender scores can range from zero to nine or more points. A higher seriousness level or offender score results in a longer sentence.

Juvenile Diversion.

Different sentencing requirements apply to juveniles convicted of criminal offenses. In addition, a prosecutor may seek a diversion agreement in lieu of prosecuting a juvenile for an offense. A diversion agreement is a contract where the juvenile agrees to certain conditions. These conditions could include, for example, counseling and restitution. If a juvenile does not complete the diversion agreement, a prosecutor may file a criminal complaint. Prosecutors have discretion to enter into diversion agreements, with some exceptions.

Joint and Several Liability.

In civil cases where multiple parties are at fault, fault is apportioned by percentage by the trier of fact. For most tort cases in Washington, each defendant is only responsible for his or her own share of the damages. In some cases, multiple defendants may be "jointly and severally" liable for the whole of the defendant's claim. This means that any one defendant may be required to pay all the damages, not just their portion. The defendant may seek contribution from other responsible defendants for their share of the damages. Joint and several liability applies when the tort is intentional.

Summary:

The crime of False Reporting is modified and made a third-degree offense. The crime of False Reporting in the first and second degree are created and apply when the offense involves additional conduct and harm.

Crime of False Reporting.

A person commits False Reporting if the person:

- initiated or circulated a false report or warning of an alleged occurrence or impeding occurrence;
- knew that the information that they reported, circulated, or conveyed was false; and
- knew that the false report was likely to cause: the evacuation of a building, place of assembly, or transportation facility; public inconvenience or alarm; or an emergency response.

A person is guilty of False Reporting in the first degree if the report caused an emergency response, the report was made with reckless disregard for the safety of others, and death was sustained by any person as a proximate result of the emergency response. The first-degree offense is a class B felony and a seriousness level VII offense.

A person is guilty of False Reporting in the second degree if the report caused an emergency response, was made with reckless disregard for the safety of others, and substantial bodily harm was sustained by any person as a proximate result of the emergency response. The second-degree offense is a class C felony and seriousness level III offense.

A person is guilty of False Reporting in the third degree if he or she committed false reporting under circumstances not constituting False Reporting in the first or second degree. False Reporting in the third degree is a gross misdemeanor.

"Emergency response" means any action to protect life, health, or property by: a peace officer or law enforcement agency; an agency that provides fire, rescue, or emergency medical services; or a private not-for-profit organization that provides fire, rescue, or emergency medical services.

False Reporting is deemed to have been committed:

- at the place from which the false report was made;
- at the place where the false report was received by law enforcement; or
- at the place where an evacuation, public inconvenience or alarm, or emergency response occurred.

Juvenile Diversion.

Limitations are established for diverting False Reporting offenses. If a juvenile commits False Reporting in any degree and it is his or her first violation, then the prosecutor may divert the case.

Civil Liability for False Reporting.

An individual who is a victim of False Reporting may bring a civil action against the person who committed the offense or against any person who knowingly benefits, financially or by receiving anything of value, from participation in a venture that the person knew, or should have known, has engaged in False Reporting. The individual may recover damages and any other appropriate relief, including reasonable attorneys' fees. Joint and several liability applies to all people found civilly liable in a suit brought by the victim.

If a person is convicted of false reporting in any degree, he or she is liable for the reasonable costs of the emergency response incurred by the applicable public agency.

Votes on Final Passage:

| | | | |
|--------|----|---|---------------------------|
| House | 97 | 0 | |
| Senate | 49 | 0 | (Senate amended) |
| House | | | (House refused to concur) |
| Senate | 49 | 0 | (Senate receded/amended) |
| House | 90 | 7 | (House concurred) |

Effective: June 11, 2020