

H. 3/24/95 Judiciary
H. 4/6/95 Amend/Do Pass
w/ H- 3788

FILED MAR 20 1995

SENATE FILE 439
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SF 211)

(P. 847) ~~3/23/95~~
Passed Senate, Date 3/23/95
Vote: Ayes 48 Nays 0

(P. 1564)
Passed House, Date 4/13/95
Vote: Ayes 92 Nays 2

Re-passed Senate Approved April 26, 1995
Ayes 50 Nays 0
(p. 1253) 4/18/95

A BILL FOR

1 An Act relating to making false reports to law enforcement
2 agencies, making spurious calls to emergency 911
3 communications centers, or providing false information on
4 citations and establishing penalties and providing a
5 conditional effective date.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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S.F. 439

1 Section 1. Section 718.6, Code 1995, is amended to read as
2 follows:

3 718.6 FALSE REPORTS TO LAW-ENFORCEMENT-AUTHORITIES OR
4 COMMUNICATIONS WITH PUBLIC SAFETY ENTITIES.

5 1. A person who reports or causes to be reported false
6 information to a fire department, or a law enforcement
7 authority, or other public safety entity, knowing that the
8 information is false, or who reports the alleged occurrence of
9 a criminal act knowing the same act did not occur, commits a
10 simple misdemeanor, unless the alleged criminal act reported
11 is a serious or aggravated misdemeanor or felony, in which
12 case the person commits a serious misdemeanor.

13 2. A person who knowingly and intentionally telephones an
14 emergency 911 communications center and who knowingly and
15 intentionally terminates the call without providing emergency
16 information or telephones an emergency 911 communications
17 center knowing that the person is not reporting an emergency
18 or otherwise needing emergency information or assistance
19 commits a simple misdemeanor.

20 3. A person who provides false information on a citation
21 commits a simple misdemeanor, unless the criminal act for
22 which the citation is issued is a serious or aggravated
23 misdemeanor or felony, in which case the person commits a
24 serious misdemeanor.

25 Sec. 2. EFFECTIVE DATE. This Act shall not take effect
26 unless an appropriation is enacted or the state's share of the
27 cost is specified in accordance with section 25B.2, subsection
28 3.

29 EXPLANATION

30 This bill provides that a person who makes a false report
31 to a fire department, law enforcement agency, or other public
32 safety entity commits a serious misdemeanor if the false
33 criminal act reported is a serious or aggravated misdemeanor
34 or felony. The bill also makes it a simple misdemeanor for a
35 person to knowingly and intentionally call an E911

1 communications center and hang up or to call knowingly not
2 having an emergency. The bill also provides that a person
3 providing false information on a citation commits a simple
4 misdemeanor unless the citation is for a serious or aggravated
5 misdemeanor or felony, in which case, the penalty is a serious
6 misdemeanor.

7 The bill may provide a state mandate under chapter 25B and
8 shall not take effect unless an appropriation is made fully
9 funding the cost to political subdivisions of implementing
10 this bill or specifying the state's share of the cost.

SENATE FILE 439

H-3788

1 Amend Senate File 439, as passed by the Senate, as
2 follows:

3 1. Page 1, by striking lines 13 through 16 and
4 inserting the following:

5 "2. A person who telephones an emergency 911
6 communications".

7 2. Page 1, line 20, by inserting after the word
8 "who" the following: "knowingly".

9 3. Page 1, line 20, by inserting after the word
10 "information" the following: "to a law enforcement
11 officer who enters the information".

By COMMITTEE ON JUDICIARY
HURLEY of Fayette, Chairperson

H-3788 FILED APRIL 6, 1995
adopted 4-13-95 (P.1562)

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**HOUSE AMENDMENT TO
SENATE FILE 439**

S-3432

1 Amend Senate File 439, as passed by the Senate, as
2 follows:

3 1. Page 1, by striking lines 13 through 16 and
4 inserting the following:

5 "2. A person who telephones an emergency 911
6 communications".

7 2. Page 1, line 20, by inserting after the word
8 "who" the following: "knowingly".

9 3. Page 1, line 20, by inserting after the word
10 "information" the following: "to a law enforcement
11 officer who enters the information".

RECEIVED FROM THE HOUSE

S-3432 FILED APRIL 13, 1995
Senate concurred (4/18/95) p. 1253

**SENATE FILE 439
FISCAL NOTE**

The estimate for Senate File 439 is hereby submitted as a fiscal note pursuant to Joint Rule 17 and as a correctional impact statement pursuant to Section 2.56, Code of Iowa. Data used in developing this fiscal note and correctional impact statement are available from the Legislative Fiscal Bureau to members of the Legislature upon request.

Senate File 439 provides that a person who makes a false report to a fire department, law enforcement agency, or other public safety entity commits a serious misdemeanor if the false criminal act reported is a serious or aggravated misdemeanor or felony. The Bill also makes it a simple misdemeanor for a person to knowingly and intentionally call an E911 communications center and hang up or to call knowingly not having an emergency and provides that a person providing false information on a citation commits a simple misdemeanor unless the citation is for a serious or aggravated misdemeanor or felony, in which case, is a serious misdemeanor.

Fiscal Effect

The fiscal impact of SF 439 cannot be determined due to insufficient information.

The average cost for each new cause of action to be tried in District Court is estimated to be \$4,100. The estimated cost per case for an appeal is \$44,400.

Sources

Judicial Department
Department of Corrections
Department of Public Safety
Criminal and Juvenile Justice Planning

(LSB 1707sv, LAM)

FILED APRIL 11, 1995

BY DENNIS PROUTY, FISCAL DIRECTOR

SENATE FILE 439

AN ACT

RELATING TO MAKING FALSE REPORTS TO LAW ENFORCEMENT AGENCIES,
MAKING SPURIOUS CALLS TO EMERGENCY 911 COMMUNICATIONS CENTERS,
OR PROVIDING FALSE INFORMATION ON CITATIONS AND ESTABLISHING
PENALTIES AND PROVIDING A CONDITIONAL EFFECTIVE DATE.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Section 718.6, Code 1995, is amended to read as follows:

718.6 FALSE REPORTS TO LAW-ENFORCEMENT-AUTHORITIES OR COMMUNICATIONS WITH PUBLIC SAFETY ENTITIES.

1. A person who reports or causes to be reported false information to a fire department, or a law enforcement authority, or other public safety entity, knowing that the information is false, or who reports the alleged occurrence of a criminal act knowing the same act did not occur, commits a simple misdemeanor, unless the alleged criminal act reported is a serious or aggravated misdemeanor or felony, in which case the person commits a serious misdemeanor.

2. A person who telephones an emergency 911 communications center knowing that the person is not reporting an emergency or otherwise needing emergency information or assistance commits a simple misdemeanor.

3. A person who knowingly provides false information to a law enforcement officer who enters the information on a citation commits a simple misdemeanor, unless the criminal act for which the citation is issued is a serious or aggravated misdemeanor or felony, in which case the person commits a serious misdemeanor.

Sec. 2. EFFECTIVE DATE. This Act shall not take effect unless an appropriation is enacted or the state's share of the cost is specified in accordance with section 25B.2, subsection 3.

LEONARD L. BOSWELL
President of the Senate

RON J. CORBETT
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 439, Seventy-sixth General Assembly.

JOHN F. DWYER
Secretary of the Senate

Approved April 26, 1995

TERRY E. BRANSTAD
Governor