

IN THE SENATE

SENATE BILL NO. 1343

BY JUDICIARY AND RULES COMMITTEE

AN ACT

RELATING TO FIREARMS, EXPLOSIVES, AND OTHER DEADLY WEAPONS; PROVIDING LEGISLATIVE INTENT; AMENDING SECTION 18-3313, IDAHO CODE, TO REVISE A PROVISION REGARDING A FALSE REPORT OF EXPLOSIVES AND TO MAKE TECHNICAL CORRECTIONS; AMENDING CHAPTER 33, TITLE 18, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 18-3313A, IDAHO CODE, TO PROVIDE FOR THE CRIME OF FALSE REPORTS OF VIOLENCE OR EMERGENCY IN PUBLIC OR PRIVATE PLACES, TO PROVIDE PENALTIES, TO PROVIDE THAT A SENTENCE MAY NOT BE SUSPENDED, AND TO DEFINE TERMS; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. LEGISLATIVE INTENT. The Legislature finds and declares that the practice of "swatting," which is the act of maliciously or recklessly submitting false reports in order to send an armed law enforcement response to private or public places, presents a grave danger to the health and safety of both citizens and law enforcement in this state.

SECTION 2. That Section 18-3313, Idaho Code, be, and the same is hereby amended to read as follows:

18-3313. FALSE REPORTS OF EXPLOSIVES IN PUBLIC OR PRIVATE PLACES A FELONY -- PENALTY. Any person who reports, or causes any report to be made, to any police officer, sheriff, employee of a police department or sheriff's office, employee of a 911 emergency communications system or emergency vehicle dispatch center, employee of a fire department or fire service, prosecuting attorney, newspaper, radio station, television station, deputy sheriff, deputy prosecuting attorney, member of the state police, employee of an airline, employee of an airport, employee of a railroad or bus line, an employee of a telephone company, occupants of a building, employee of a school district, or a news reporter in the employ of a newspaper or radio or television station, that a bomb or other explosive has been placed or secreted in a public or private place knowing that such report is false, is guilty of a felony, and upon conviction thereof, shall be sentenced to a term of not to exceed five (5) years in the state penitentiary.

SECTION 3. That Chapter 33, Title 18, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 18-3313A, Idaho Code, and to read as follows:

18-3313A. FALSE REPORTS OF VIOLENCE OR EMERGENCY IN PUBLIC OR PRIVATE PLACES -- PENALTY. (1) Excluding explosives as set forth in section 18-3313, Idaho Code, any person who reports, or causes any report to be made, to any police officer, sheriff, employee of a police department or sheriff's office, employee of a 911 emergency communications system or emergency vehicle dispatch center, employee of a fire department or fire service, prosecut-

1 ing attorney, newspaper, radio station, television station, deputy sheriff,
2 deputy prosecuting attorney, member of the state police, employee of an air-
3 line, employee of an airport, employee of a railroad or bus line, employee
4 of a telephone company, occupants of a building, employee of a school dis-
5 trict, or news reporter in the employ of a newspaper or radio or television
6 station that an emergency exists in a public or private place, knowing that
7 the report is false, without any resultant property damage, bodily injury,
8 or death shall be punished as follows:

9 (a) In the event the false report contains no indication that the emer-
10 gency involves weapons or the threat of violence, the person shall be
11 guilty of a misdemeanor and upon conviction thereof shall be sentenced
12 to a term of imprisonment not to exceed six (6) months in a county jail,
13 supervised probation not to exceed six (6) months, a fine not to exceed
14 three thousand dollars (\$3,000), or by both imprisonment or supervised
15 probation and such fine; and

16 (b) In the event the false report contains any indication that the emer-
17 gency involves weapons or the threat of violence, the person shall be
18 guilty of a misdemeanor and upon conviction shall be punished by a term
19 of imprisonment in a county jail for more than six (6) months but less
20 than one (1) year, supervised probation for more than six (6) months but
21 less than one (1) year, a fine not to exceed fifteen thousand dollars
22 (\$15,000), or both imprisonment or supervised probation and such fine.

23 (2) Excluding explosives as set forth in section 18-3313, Idaho Code,
24 any person who reports, or causes any report to be made, to any police offi-
25 cer, sheriff, employee of a police department or sheriff's office, employee
26 of a 911 emergency communications system or emergency vehicle dispatch cen-
27 ter, employee of a fire department or fire service, prosecuting attorney,
28 newspaper, radio station, television station, deputy sheriff, deputy pros-
29 ecuting attorney, member of the state police, employee of an airline, em-
30 ployee of an airport, employee of a railroad or bus line, employee of a tele-
31 phone company, occupants of a building, employee of a school district, or
32 news reporter in the employ of a newspaper or radio or television station
33 that an emergency exists, knowing that the report is false, which report re-
34 sults in property damage, bodily injury, or death, is guilty of a misdemeanor
35 or felony, and upon conviction thereof, shall be punished as follows:

36 (a) In the event that resultant property damage is:

37 (i) In an amount of less than five thousand dollars (\$5,000), the
38 person shall be guilty of a misdemeanor and upon conviction shall
39 be punished by a term of imprisonment in a county jail for more than
40 six (6) months but less than one (1) year, supervised probation for
41 more than six (6) months but less than one (1) year, a fine not to
42 exceed ten thousand dollars (\$10,000), or both imprisonment or su-
43 pervised probation and such fine; or

44 (ii) In an amount of five thousand dollars (\$5,000) or more, the
45 person shall be guilty of a felony and upon conviction shall be
46 punished by a term of imprisonment in the state penitentiary for no
47 less than one (1) year, supervised probation for no less than one
48 (1) year, a fine not to exceed fifteen thousand dollars (\$15,000)
49 or both imprisonment or supervised probation and such fine.

50 (b) In the event that bodily injury:

1 (i) Does not result in permanent infirmity, disability, or hand-
2 icap and results in damages in an amount less than five thousand
3 dollars (\$5,000), the person shall be guilty of a misdemeanor and
4 upon conviction shall be punished by a term of imprisonment in a
5 county jail for more than six (6) months but less than one (1) year,
6 or supervised probation for no less than one (1) year, a fine of
7 fifteen thousand dollars (\$15,000), or both imprisonment or su-
8 pervised probation and such fine; or

9 (ii) Results in permanent infirmity, disability, or handicap or
10 otherwise results in damages of five thousand dollars (\$5,000)
11 or more, the person shall be guilty of a felony and upon convic-
12 tion shall be punished by either a term of imprisonment in the
13 state penitentiary for no less than one (1) year or two (2) years
14 supervised probation and a fine of twenty-five thousand dollars
15 (\$25,000).

16 (c) In the event of death, the person shall be guilty of a felony and
17 upon conviction shall be punished by imprisonment in the state peniten-
18 tiary for a term of no less than ten (10) years and up to life and a fine
19 of one-hundred thousand dollars (\$100,000).

20 (3) Except in a case of a juvenile who has been waived to adult court
21 pursuant to section 20-508, Idaho Code, the imposition or execution of the
22 sentences provided in this section may not be suspended.

23 (4) In the event of a conviction under this section, the court shall en-
24 ter an order commanding the convicted person to pay restitution to the vic-
25 tim, the victim's heirs, or representatives for the actual damages resulting
26 from such property damage, bodily injury, and death, including costs for ex-
27 penses, including but not limited to reasonable attorney's fees.

28 (5) For purposes of this section, the phrase "indication that the emer-
29 gency involves weapons or the threat of violence" includes but is not limited
30 to references to weapons, references to past or future assaults, references
31 to past or planned violence, or references to contemplated suicide. For pur-
32 poses of this section, the phrase "indication that the emergency involves
33 weapons or the threat of violence" shall not include explosives as set forth
34 in section 18-3313, Idaho Code.

35 (6) For purposes of this section, "private place" or "private places"
36 shall include but are not limited to:

37 (a) Habitation, including but not limited to any building, inhabitable
38 structure, or conveyance of any kind, whether the building, inhabita-
39 ble structure, or conveyance is temporary or permanent, mobile or im-
40 mobile, including a tent, and is designed to be occupied by people lodg-
41 ing at night, and includes a dwelling in which a person resides either
42 temporarily or permanently or is visiting as an invited guest, and in-
43 cludes the curtilage of any such dwelling;

44 (b) A place of business or employment, including but not limited to a
45 commercial enterprise or establishment owned by a person as all or part
46 of the person's livelihood or that is under the owner's control or un-
47 der control of an employee or agent of the owner with responsibility for
48 protecting persons and property and shall include the interior and ex-
49 terior premises of the place of business or employment;

1 (c) A vehicle, including but not limited to any motorized vehicle that
2 is self-propelled and designed for use on public highways to transport
3 people or property; and

4 (d) Any other place, area, structure, enclosure, or location where a
5 person retains, or is otherwise provided with, the expectation of pri-
6 vacy pursuant to state law, including political subdivisions thereof,
7 or federal or constitutional law.

8 SECTION 4. An emergency existing therefor, which emergency is hereby
9 declared to exist, this act shall be in full force and effect on and after
10 July 1, 2024.