

HOUSE BILL NO. 2061

99TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE KIDD.

5799H.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To amend chapters 537 and 575, RSMo, by adding thereto two new sections relating to false emergency responses, with penalty provisions.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Chapters 537 and 575, RSMo, are amended by adding thereto two new sections, to be known as sections 537.560 and 575.085, to read as follows:

537.560. 1. Irrespective of any criminal prosecution or the result thereof, any person incurring bodily injury or damage or loss to his or her property as a result of a false emergency response in violation of section 575.085 shall have a civil action to secure an injunction, damages, or other appropriate relief in law or in equity against any and all persons who violated section 575.085.

2. In any such action, whether a violation of section 575.085 has occurred shall be determined according to the burden of proof used in other civil actions for similar relief.

3. Upon prevailing in such civil action, the plaintiff may recover:

(1) Both special and general damages; and

(2) Reasonable attorney fees and costs.

575.085. 1. A person commits the offense of causing a false emergency response if, with the intent to cause an emergency response by any law enforcement agency in the absence of circumstances requiring such a response, the person knowingly communicates 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 believed to endanger public health or safety.

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

7 **2. For the purposes of this section, "emergency response" means any action taken**
8 **by law enforcement personnel to immediately respond to an event that threatens or may**
9 **reasonably be believed to threaten public health or safety.**

10 **3. The offense of causing a false emergency response shall be a:**

11 **(1) Class C misdemeanor if no emergency response results;**

12 **(2) Class B misdemeanor if an emergency response results;**

13 **(3) Class E felony if serious bodily injury results; or**

14 **(4) Class D felony if death results.**

15 **4. The court, while imposing a sentence on a person convicted under this section,**
16 **shall order the person to reimburse any party for the expenses of an emergency response**
17 **caused by the person's conduct. Any person ordered to make reimbursements under this**
18 **subsection shall be jointly and severally liable for such expenses with each other person,**
19 **if any, who is ordered to make reimbursement for the same incident. An order of**
20 **reimbursement under this subsection shall be treated as a civil judgment for the purposes**
21 **of enforcement.**

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