

HOUSE BILL No. 2581

By Representatives Carmichael, Whitmer and Markley

1-30

1 AN ACT concerning crimes, punishment and criminal procedure; relating
2 to giving a false alarm; criminal penalties; amending K.S.A. 2017
3 Supp. 21-6207 and repealing the existing section.

4
5 **{WHEREAS, The provisions of the amendments to the section in**
6 **this act shall be known as the Andrew T. Finch act.**

7 **Now, therefore:}**

8 *Be it enacted by the Legislature of the State of Kansas:*

9 Section 1. K.S.A. 2017 Supp. 21-6207 is hereby amended to read as
10 follows: 21-6207. ~~(a) Giving a false alarm~~ *Making an unlawful request for*
11 *emergency service assistance is:*

12 ~~(1) transmitting or communicating false or misleading information in~~
13 ~~any manner to the fire department of any city, township or other~~
14 ~~municipality a false alarm of fire, knowing at the time of such transmission~~
15 ~~that there is no reasonable ground for believing that such fire exists; or~~

16 ~~(2) making a call in any manner for request emergency service~~
17 ~~assistance including police law enforcement, fire, medical or other~~
18 ~~emergency service provided under K.S.A. 12-5301 et seq., and~~
19 ~~amendments thereto, including a 911 call as defined in K.S.A. 12-5363,~~
20 ~~and amendments thereto, knowing at the time of such call request that~~
21 ~~there is no reasonable ground for believing such assistance is needed.~~

22 ~~(b) Giving a false alarm~~ *Making an unlawful request for emergency*
23 *service assistance is a:*

24 (1) ~~is a~~ Class A nonperson misdemeanor, except as provided in
25 subsections (b)(2) and, (b)(3), (b)(4), (b)(5) and (b)(6);

26 (2) ~~is a~~ severity level 10, nonperson felony when the person uses an
27 electronic device or software to alter, conceal or disguise *the source of the*
28 *request or* the identity of the person making such ~~transmission or such call~~
29 *request*, except as provided in subsection (b)(3), (b)(4), (b)(5) and (b)(6);
30 ~~and~~

31 (3) ~~as defined in subsection (a)(2)~~ *is a* severity level 7, nonperson
32 *felony* when the request for emergency service assistance made by the
33 person includes false information that violent criminal activity or
34 immediate threat to a person's life or safety **{or the public safety}** *has or*

- 1 is taking place, *except as provided in subsection (b)(4), (b)(5) and (b)(6);*
- 2 (4) *severity level 6, person felony when bodily harm results from the*
3 *response by emergency services, except as provided in subsections (b)(5)*
4 *and (b)(6);*
- 5 (5) *severity level 4, person felony when great bodily harm results*
6 *from the response by emergency services, except as provided in subsection*
7 *(b)(6); and*
- 8 (6) *severity level—2 1, person felony when death results from the*
9 *response by emergency services.*
- 10 (c) An offender who violates the provisions of this section may also
11 be prosecuted for, convicted of, and punished for interference with law
12 enforcement, K.S.A. 2017 Supp. 21-5904, and amendments thereto.
- 13 (d) *It shall not be a defense that the person who suffers bodily harm,*
14 *great bodily harm or death contributed, or others contributed to such*
15 *person's bodily harm, great bodily harm or death.*
- 16 (e) *A person who violates the provisions of this section may also be*
17 *prosecuted for any form of homicide.*
- 18 Sec. 2. K.S.A. 2017 Supp. 21-6207 is hereby repealed.
- 19 Sec. 3. This act shall take effect and be in force from and after its
20 publication in the statute book.