

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

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

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

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

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

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

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

28 (3) ~~as defined in subsection (a)(2)~~ *is a* severity level 7, nonperson
29 felony when the request for emergency service assistance made by the
30 person includes false information that violent criminal activity or
31 immediate threat to a person's life or safety *has or* is taking place, *except*
32 *as provided in subsection (b)(4), (b)(5) and (b)(6);*

33 (4) *severity level 6, person felony when bodily harm results from the*
34 *response by emergency services, except as provided in subsections (b)(5)*
35 *and (b)(6);*

36 (5) *severity level 4, person felony when great bodily harm results*

1 *from the response by emergency services, except as provided in subsection*
2 *(b)(6); and*

3 *(6) severity level 2, person felony when death results from the*
4 *response by emergency services.*

5 *(c) An offender who violates the provisions of this section may also*
6 *be prosecuted for, convicted of, and punished for interference with law*
7 *enforcement, K.S.A. 2017 Supp. 21-5904, and amendments thereto.*

8 *(d) It shall not be a defense that the person who suffers bodily harm,*
9 *great bodily harm or death contributed, or others contributed to such*
10 *person's bodily harm, great bodily harm or death.*

11 *(e) A person who violates the provisions of this section may also be*
12 *prosecuted for any form of homicide.*

13 Sec. 2. K.S.A. 2017 Supp. 21-6207 is hereby repealed.

14 Sec. 3. This act shall take effect and be in force from and after its
15 publication in the statute book.