

HOUSE BILL No. 2581

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

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

Now, therefore:

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

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

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

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

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

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

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

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

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

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

(6) *severity level 1, person felony when death results from the response by emergency services.*

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

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

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

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

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

I hereby certify that the above BILL originated in the HOUSE, and passed that body

Speaker of the House.

Chief Clerk of the House.

Passed the SENATE _____

President of the Senate.

Secretary of the Senate.

APPROVED _____

Governor.