

IN THE SENATE

SENATE BILL NO. 1413

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, 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 communications system or emergency vehicle dispatch center, employee of a fire department or fire service, prosecuting attorney,

1 ney, newspaper, radio station, television station, deputy sheriff, deputy
2 prosecuting attorney, member of the state police, employee of an airline,
3 employee of an airport, employee of a railroad or bus line, employee of a
4 telephone company, occupants of a building, employee of a school district,
5 or news reporter in the employ of a newspaper or radio or television station
6 that an emergency exists in a public or private place, knowing that the re-
7 port is false, is guilty of a misdemeanor and shall be sentenced to a term of
8 imprisonment up to one (1) year or a fine of no more than five thousand dol-
9 lars (\$5,000), or both.

10 (2) A person is guilty of a felony and shall be sentenced to a term of
11 imprisonment for no less than one (1) year and no more than twenty (20) years
12 and may be fined no more than twenty-five thousand dollars (\$25,000), or by
13 both such fine and imprisonment, if:

14 (a) The damages caused by a violation of this section exceed one thou-
15 sand dollars (\$1,000); or

16 (b) Any person suffers great bodily harm, permanent disfigurement, or
17 permanent disability due to a violation of this section.

18 (3) A person is guilty of a felony and shall be sentenced to a mandatory
19 minimum fixed term of imprisonment of ten (10) years and up to life and fined
20 no less than twenty-five thousand dollars (\$25,000) if a violation of this
21 section results in the death of any person.

22 (4) For purposes of this section, "private place" or "private places"
23 shall include but are not limited to:

24 (a) Habitation, including but not limited to any building, inhabitable
25 structure, or conveyance of any kind, whether the building, inhabit-
26 able structure, or conveyance is temporary or permanent, mobile or im-
27 mobile, including a tent, and is designed to be occupied by people lodg-
28 ing at night, and includes a dwelling in which a person resides either
29 temporarily or permanently or is visiting as an invited guest, and in-
30 cludes the curtilage of any such dwelling;

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

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

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

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