

As Amended by House Committee

Session of 2018

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 1, 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.