

## CHAPTER 401

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**CRIMINAL LAW AND PROCEDURE**


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**SENATE BILL 18-068**

BY SENATOR(S) Cooke, Baumgardner, Crowder, Holbert, Jahn, Lambert, Lundberg, Marble, Martinez Humenik, Neville T., Priola, Scott, Sonnenberg, Tate, Grantham;  
 also REPRESENTATIVE(S) Van Winkle and Bridges, Covarrubias, Ginal, Gray, Hansen, Reyher, Roberts, Saine, Valdez, Winkler, Duran, Carver, Exum, Humphrey, Melton, Rosenthal, Williams D., Wist, Young.

**AN ACT****CONCERNING CRIMINALIZING FALSE REPORTS.**

*Be it enacted by the General Assembly of the State of Colorado:*

**SECTION 1.** In Colorado Revised Statutes, **amend** 18-8-111 as follows:

**18-8-111. False reporting to authorities - false reporting of an emergency - definition.** (1) (a) A person commits false reporting to authorities if:

~~(a)~~ (I) He or she knowingly:

~~(A)~~ (A) Causes by any means, including but not limited to activation, a false alarm of fire or other emergency or a false emergency exit alarm to sound or to be transmitted to or within an official or volunteer fire department, ambulance service, law enforcement agency, or any other government agency which deals with emergencies involving danger to life or property; or

~~(B)~~ (B) Prevents by any means, including but not limited to deactivation, a legitimate fire alarm, emergency exit alarm, or other emergency alarm from sounding or from being transmitted to or within an official or volunteer fire department, ambulance service, law enforcement agency, or any other government agency that deals with emergencies involving danger to life or property; or

~~(II)~~ (II) He OR SHE makes a report or knowingly causes the transmission of a report to law enforcement authorities of a crime or other incident within their official concern when he OR SHE knows that it did not occur; or

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*Capital letters or bold & italic numbers indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.*

~~(c)~~ (III) He or she makes a report or knowingly causes the transmission of a report to law enforcement authorities pretending to furnish information relating to an offense or other incident within their official concern when he or she knows that he or she has no such information or knows that the information is false; or

~~(d)~~ (IV) He or she knowingly provides false identifying information to law enforcement authorities.

~~(2)~~ (b) False reporting to authorities is a class 3 misdemeanor; except that, if it is committed in violation of ~~paragraph (a) of subsection (1)~~ SUBSECTION (1)(a)(I) of this section and committed during the commission of another criminal offense, it is a class 2 misdemeanor.

~~(3)~~ (c) For purposes of this section, "identifying information" means a person's name, address, birth date, social security number, or driver's license or Colorado identification number.

(2) (a) A PERSON COMMITS FALSE REPORTING OF AN EMERGENCY IF HE OR SHE KNOWINGLY COMMITS AN ACT IN VIOLATION OF SUBSECTION (1) OF THIS SECTION THAT INCLUDES A KNOWING FALSE REPORT OF AN IMMINENT THREAT TO THE SAFETY OF A PERSON OR PERSONS BY USE OF A DEADLY WEAPON.

(b) (I) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBSECTION (2)(b), FALSE REPORTING OF AN EMERGENCY IS A CLASS 1 MISDEMEANOR.

(II) FALSE REPORTING OF AN EMERGENCY IS A CLASS 1 MISDEMEANOR AND IS AN EXTRAORDINARY RISK CRIME THAT IS SUBJECT TO THE MODIFIED SENTENCING RANGE SPECIFIED IN SECTION 18-1.3-501 (3), IF:

(A) THE THREAT CAUSES THE OCCUPANTS OF A BUILDING, PLACE OF ASSEMBLY, OR FACILITY OF PUBLIC TRANSPORTATION TO BE EVACUATED OR OTHERWISE DISPLACED; OR

(B) THE EMERGENCY RESPONSE RESULTS IN BODILY INJURY OF ANOTHER PERSON.

(III) FALSE REPORTING OF AN EMERGENCY IS A CLASS 4 FELONY IF THE EMERGENCY RESPONSE RESULTS IN SERIOUS BODILY INJURY OF ANOTHER PERSON.

(IV) FALSE REPORTING OF AN EMERGENCY IS A CLASS 3 FELONY IF THE EMERGENCY RESPONSE RESULTS IN THE DEATH OF ANOTHER PERSON.

(c) UPON A CONVICTION PURSUANT TO THIS SUBSECTION (2), IN ADDITION TO ANY OTHER SENTENCE IMPOSED OR RESTITUTION ORDERED, THE COURT SHALL SENTENCE THE DEFENDANT TO PAY RESTITUTION IN AN AMOUNT EQUAL TO THE COST OF ANY EMERGENCY RESPONSE OR EVACUATION, INCLUDING BUT NOT LIMITED TO FIRE AND POLICE RESPONSE, EMERGENCY MEDICAL SERVICE OR EMERGENCY PREPAREDNESS RESPONSE, AND TRANSPORTATION OF ANY INDIVIDUAL FROM THE BUILDING, PLACE OF ASSEMBLY, OR FACILITY OF PUBLIC TRANSPORTATION.

(d) IT IS NOT A DEFENSE TO A PROSECUTION PURSUANT TO THIS SUBSECTION (2) THAT THE DEFENDANT OR ANOTHER PERSON DID NOT HAVE THE INTENT OR

## CAPABILITY OF COMMITTING THE THREATENED OR REPORTED ACT.

(3) FOR PURPOSES OF SUBSECTIONS (1) AND (2) OF THIS SECTION, THE OFFENSE IS COMMITTED AND THE DEFENDANT MAY BE TRIED IN THE COUNTY WHERE THE DEFENDANT MADE THE REPORT, THE COUNTY WHERE THE FALSE REPORT WAS COMMUNICATED TO LAW ENFORCEMENT, OR THE COUNTY WHERE LAW ENFORCEMENT RESPONDED TO THE FALSE REPORT.

(4) A VIOLATION OF THIS SECTION DOES NOT PRECLUDE A CONVICTION FOR A VIOLATION OF ANY OTHER CRIMINAL OFFENSE.

**SECTION 2.** In Colorado Revised Statutes, 18-8-802, **amend** (2) as follows:

**18-8-802. Duty to report use of force by peace officers.** (2) Any peace officer who knowingly makes a materially false statement, which the officer does not believe to be true, in any report made pursuant to subsection (1) of this section commits false reporting to authorities pursuant to section 18-8-111 ~~(+)(c)~~(1)(a)(III).

**SECTION 3.** In Colorado Revised Statutes, 18-1.3-501, **amend** (3)(b)(V) and (3)(b)(VI); and **add** (3)(b)(VII) as follows:

**18-1.3-501. Misdemeanors classified - drug misdemeanors and drug petty offenses classified - penalties - definitions.** (3) (b) Misdemeanors that present an extraordinary risk of harm to society shall include the following:

(V) Misdemeanor failure to register as a sex offender, as described in section 18-3-412.5; **and**

(VI) Misdemeanor invasion of privacy for sexual gratification, as described in section 18-3-405.6; **AND**

(VII) FALSE REPORTING OF AN EMERGENCY, AS DESCRIBED IN SECTION 18-8-111.

**SECTION 4. Effective date - applicability.** This act takes effect July 1, 2018, and applies to offenses committed on or after said date.

**SECTION 5. Safety clause.** The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: June 6, 2018