

By: Representative McBride

To: Judiciary B

HOUSE BILL NO. 599

1 AN ACT TO CREATE THE CRIME OF FALSE REPORTING OF A CRIME AND
2 PRESCRIBE PENALTIES THEREFOR; TO AMEND SECTION 19-5-317,
3 MISSISSIPPI CODE OF 1972, IN CONFORMITY THERETO; AND FOR RELATED
4 PURPOSES.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

6 SECTION 1. It shall be unlawful for any person to report a
7 crime or any element of a crime to any law enforcement officer or
8 any officer of any court or any other official responsible for
9 receiving reports or crime, by any means, knowing that such report
10 is false. Any violation of this section where the falsely
11 reported crime would have been a misdemeanor, shall be punishable
12 as a misdemeanor by imprisonment in the county jail not to exceed
13 one (1) year or by fine not to exceed One Thousand Dollars
14 (\$1,000.00), or both. Any violation of this section where the
15 falsely reported crime would have been a felony, shall be
16 punishable as a felony, by imprisonment in the State Penitentiary
17 for no more than five (5) years or by fine not to exceed Five
18 Thousand Dollars (\$5,000.00), or both. In addition to any fine
19 and imprisonment, any law enforcement agency, upon proper
20 documentation to the court, shall be reimbursed by anyone
21 convicted under this section, for any reasonable cost directly
22 related to the investigation of the falsely reported crime and the
23 prosecution of any person convicted under this section.

24 SECTION 2. Section 19-5-317, Mississippi Code of 1972, is
25 amended as follows:

26 19-5-317. (1) When there is not an emergency, no person
27 shall make a telephone call to an emergency telephone service and

28 knowingly or intentionally:

29 (a) Remain silent;

30 (b) Make abusive or harassing statements to an
31 emergency telephone service employee;

32 (c) Report the existence of an emergency; or

33 (d) Falsely report a crime.

34 (2) No person shall knowingly permit a telephone under his
35 control to be used by another person in a manner described in
36 subsection (1) of this section.

37 (3) Conviction of a first offense under this section is
38 punishable by a fine not to exceed Five Thousand Dollars
39 (\$5,000.00) or by imprisonment for a period of time not to exceed
40 one (1) year, or by both such fine and imprisonment. Conviction
41 of any subsequent offense under this section is punishable by a
42 fine not to exceed Ten Thousand Dollars (\$10,000.00) or by
43 imprisonment for a period of time not to exceed three (3) years,
44 or by both such fine and imprisonment.

45 (4) For the purpose of this section, "emergency telephone
46 service" shall mean a service established under Section 19-5-301
47 et seq., Mississippi Code of 1972, or established under the
48 provisions of a local and private act enacted prior to October 20,
49 1987.

50 (5) The penalty provided for in this section shall be in
51 addition to the penalty provided in Section 97-35-47.

52 SECTION 3. Section 1 of this act shall be codified as
53 Section 97-35-47, Mississippi Code of 1972.

54 SECTION 4. This act shall take effect and be in force from
55 and after July 1, 1999.