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DELAWARE STATE SENATE
150th GENERAL ASSEMBLY

SENATE BILL NO. 26

AN ACT TO AMEND TITLE 11 AND TITLE 16 OF THE DELAWARE CODE RELATING TO FALSELY
REPORTING AN INCIDENT.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend § 1245, Title 11 of the Delaware Code by making deletions as shown by strike through and
insertions as shown by underline as follows:

§ 1245. Falsely reporting an incident; class A misdemeanor.

(a) A person is guilty of falsely reporting an incident when, knowing the information reported, ~~conveyed~~
conveyed, or circulated is false or baseless, the person does any of the following:

(1) Initiates or circulates a false report or warning of or impending occurrence of a fire, explosion, crime,
~~catastrophe~~ catastrophe, or emergency under circumstances in which it is likely that public alarm or inconvenience will
result or that fire-fighting apparatus, ~~ambulance~~ ambulance, or a rescue vehicle might be ~~summoned~~; or summoned.

(2) Reports, by word or action, to any official or quasi-official agency or organization having the function of
dealing with emergencies involving danger to life or property, an alleged occurrence or impending occurrence of a fire,
~~explosion~~ explosion, or other catastrophe or emergency which did not in fact occur or does not in fact ~~exist~~; or exist.

(3) Reports to a law-enforcement officer or agency any of the following:

a. The alleged occurrence of an offense or incident which did not in fact ~~occur~~; or occur.

b. An allegedly impending occurrence of an offense or incident which is not in fact about to ~~occur~~; or
occur.

c. False information relating to an actual offense or incident or to the alleged implication of some person
~~therein~~; or in the offense or incident.

d. The alleged abduction of a child which would generate the activation of a state-wide and interstate alert
response and law-enforcement broadcast when such abduction has not, in fact, occurred.

(4) Without just cause, calls or summons by telephone, fire alarm ~~system~~ system, or otherwise, any fire-
fighting apparatus, ~~ambulance~~ ambulance, or rescue truck.

(b) Falsely reporting an incident is a class A misdemeanor, unless the defendant has violated this section previously, in which case it ~~shall be~~ is a class G felony.

(1) In addition to the penalties otherwise authorized by law, any person convicted of a violation of paragraph (a)(3)a. through c. of this section shall pay restitution, as determined by a court under Chapter 41 of this title, to an individual who is the subject of the false report.

(2) In addition to the penalties otherwise authorized by law, any person convicted of a violation of paragraph (a)(3)d. of this section shall do all of the following:

~~a. an offense in violation of this section shall pay~~ Pay a fine of not less than \$500, or less than \$1,000 ~~for a violation of paragraph (3)d. of this section, which fine cannot be suspended~~ suspended.

~~b. and be sentenced to perform~~ Perform a minimum of 100 hours of community ~~service, service.~~

~~c. and shall be required to reimburse~~ Reimburse the State, or other responding or other investigating governmental agency, for any expenses expended in the investigation ~~and/or~~ or response to the incident falsely reported.

Section 2. Amend § 9401, Title 11 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 9401. Definitions.

As used in this chapter, unless the context otherwise requires:

(2) "Crime" means an act or omission committed by a person, whether or not competent or an adult, which, if committed by a competent adult, is punishable by incarceration and which violates 1 or more of the following sections of this title:

OFFENSES RELATING TO CHILDREN AND INCOMPETENTS

1101. Abandonment of child; class A misdemeanor.

1102. Endangering the welfare of a child; class A misdemeanor.

1103. Child abuse in the third degree; class A misdemeanor.

1103A. Child abuse in the second degree; class G felony.

1103B. Child abuse in the first degree; class B felony.

1105. Crime against a vulnerable adult; class A misdemeanor or higher.

1108. Sexual exploitation of a child; class B felony.

1112A. Sexual solicitation of a child; class C felony; class B felony.

1112B. Promoting sexual solicitation of a child; class C felony; class B felony.

52 OFFENSES INVOLVING OBSTRUCTION OF GOVERNMENTAL OPERATIONS

53 1245(a)(3). Falsely reporting an incident, if an individual is the subject of the false report.

54 OFFENSES RELATING TO JUDICIAL AND SIMILAR PROCEEDING

55 1261. Bribing a witness; class E felony.

56 Section 3. Amend § 6638, Title 16 of the Delaware Code by making deletions as shown by strike through and
57 insertions as shown by underline as follows:

58 § 6638. Definitions.

59 As used in this subchapter:

60 (e) "False alarm" means the activation of a fire alarm signaling system or any audible alarm which results in a
61 response by the fire department and which is not the result of a fire or other emergency.

62 (1) "False alarm" includes:

- 63 a. Negligently or accidentally activated alarm signals; and
64 b. Alarm signals that are the result of faulty, malfunctioning, or improperly installed or maintained
65 equipment.

66 (2) "False alarm" does not include:

- 67 a. Alarm signals activated by severe weather conditions;
68 b. Alarm signals activated during the initial 30-day period following new installation; or
69 c. Alarm signals knowingly activated ~~pursuant to~~ under § 1245(a)(1) of Title 11, falsely reporting an
70 incident.

SYNOPSIS

Sections 1 and 2 of this Act make clear that an individual who is the subject of a false report is a victim and is entitled to restitution and the benefits of the Victims' Bill of Rights.

Section 3 of this Act corrects an internal reference to § 1245 of Title 11 based on changes made in Section 1 of this Act.

Finally, this Act makes technical corrections to conform existing law to the standards of the Delaware Legislative Drafting Manual.

Author: Senator Delcollo