**South Carolina General Assembly**

125th Session, 2023-2024

**H. 4974**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. Murphy, Wooten, Brewer, Robbins, Gatch, Ballentine and Caskey

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Introduced in the House on January 30, 2024

Currently residing in the House Committee on **Judiciary**

Summary: Swatting offenses

**HISTORY OF LEGISLATIVE ACTIONS**

 Date Body Action Description with journal page number

 1/30/2024 House Introduced and read first time (House Journal‑page 9)

 1/30/2024 House Referred to Committee on **Judiciary** (House Journal‑page 9)

View the latest  [legislative information](https://www.scstatehouse.gov/billsearch.php?billnumbers=4974&session=125&summary=B)  at the website

**VERSIONS OF THIS BILL**

[01/30/2024](https://www.scstatehouse.gov/sess125_2023-2024/prever/4974_20240130.docx)

A bill

TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 16‑17‑722, RELATING TO THE FILING OF FALSE POLICE REPORTS AND ASSOCIATED PENALTIES, SO AS TO REVISE THE STATUTE, PROVIDE FOR THE OFFENSE OF SWATTING, AND PROVIDE GRADUATED PENALTIES FOR VIOLATIONS; AND BY AMENDING SECTION 23‑47‑80, RELATING TO PENALTIES REGARDING VIOLATIONS OF 911 SERVICES, SO AS TO REFERENCE PENALTIES CONTAINED IN SECTION 16‑17‑722.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Section 16‑17‑722 of the S.C. Code is amended to read:

 Section 16‑17‑722. (A) It is unlawful for a person to knowingly file a false police report a crime or an emergency or cause any report of a crime or an emergency to be made to a law enforcement officer, law enforcement agency, 911 service, official or volunteer agency, or any other governmental employee or contractor who is authorized to receive reports of a crime or emergency when the:

 (1) person knows that the report is false;

 (2) report is reasonably likely to cause an emergency response from a law enforcement or other emergency responder; and

 (3) person makes the report or causes the report to be made with reckless disregard about whether the emergency response by a law enforcement agency or other emergency responder may directly result in bodily harm to another person.

 (B) AExcept as provided in subsection (C), a person who violates the provisions of subsection (A) by falsely reporting a felony is guilty of a felony and upon conviction must be imprisoned for not more than five years or fined not more than one thousand dollars, or bothis guilty of the offense of swatting and must be imprisoned, upon conviction:

 (1) for a first offense without moderate or great bodily injury resulting, not more than three years, a misdemeanor, or a fine of one thousand dollars, or both;

 (2) for a second offense or one in which moderate bodily injury results, as defined in Section 16‑3‑600(A), not more than five years, a felony, or a fine of not more than two‑thousand‑five‑hundred dollars, or both; and

 (3) for a third or subsequent offense or one in which great bodily injury or death results, as defined in Section 16‑3‑600(A), not more than ten years, a felony, or a fine of not more than five thousand dollars, or both.

 (C) A person who solely violates the provisions of subsection (A)(1) by falsely reporting a misdemeanor is guilty of a misdemeanor and must be imprisoned not more than thirty days or fined not more than five hundred dollars, or both.

 (D) In imposing a sentence under this section, the judge may require the offender to pay restitution to the investigating agency to offset costs incurred in investigating the false police report.

 (E) It is not a defense to prosecution under this section that no physical harm occurred to another person as a result of the false report, or that any harm that occurred was to the physical property rather than injury to another person. And, if conduct under this section also constitutes an offense under another provision of law, the person may be prosecuted under either section or both sections of the law.

 (F) A violation of the provisions of this section may be tried in any county in which:

 (1) the defendant resides;

 (2) the false report was communicated; or

 (3) a law enforcement agency responded to the false report.

SECTION 2. Section 23‑47‑80 of the S.C. Code is amended to read:

 Section 23‑47‑80. (A) It is unlawful for a person anonymously or otherwise to:

 (1) use any words or language of a profane, vulgar, lewd, lascivious, or indecent nature on an emergency 911 number with the intent to intimidate or harass a dispatcher;

 (2) contact the emergency 911 number, whether or not conversation ensues for the purpose of annoying or harassing the dispatcher or interfering with or disrupting emergency 911 service;

 (3) make contact with a 911 dispatcher and intentionally fail to hang up or disengage the connection for the purpose of interfering with or disrupting emergency service;

 (4) contact the emergency 911 number and intentionally make a false report.

 (B) A person who violates the provisions of this sectionsubsection (A)(1)‑(3) is guilty of a misdemeanor and, upon conviction, must be imprisoned not more than six months or fined not more than two hundred dollars, or both.

 (C) A person who violates the provisions of subsection (A)(4), is subject to the penalties provided in Section 16‑17‑722.

SECTION 3. The repeal or amendment by this act of any law, whether temporary or permanent or civil or criminal, does not affect pending actions, rights, duties, or liabilities founded thereon, or alter, discharge, release or extinguish any penalty, forfeiture, or liability incurred under the repealed or amended law, unless the repealed or amended provision shall so expressly provide.  After the effective date of this act, all laws repealed or amended by this act must be taken and treated as remaining in full force and effect for the purpose of sustaining any pending or vested right, civil action, special proceeding, criminal prosecution, or appeal existing as of the effective date of this act, and for the enforcement of rights, duties, penalties, forfeitures, and liabilities as they stood under the repealed or amended laws.

SECTION 4. This act takes effect upon approval by the Governor.

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