

**SENATE
STATE OF MINNESOTA
NINETY-FIRST SESSION**

S.F. No. 3938

(SENATE AUTHORS: HOWE)

DATE
03/04/2020

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OFFICIAL STATUS
Introduction and first reading
Referred to Judiciary and Public Safety Finance and Policy

1.1 A bill for an act
1.2 relating to public safety; providing criminal penalty for substantial bodily harm
1.3 caused by response for fictitious emergency; providing restitution for public
1.4 agencies and victims affected by the reporting of a fictitious emergency; amending
1.5 Minnesota Statutes 2018, section 609.78, subdivision 2a, by adding a subdivision.

1.6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.7 Section 1. Minnesota Statutes 2018, section 609.78, subdivision 2a, is amended to read:

1.8 Subd. 2a. **Felony offense; reporting fictitious emergency resulting in serious**
1.9 **injury.** Whoever violates subdivision 2, clause (2), is guilty of a felony and may be sentenced
1.10 as follows:

1.11 (1) to imprisonment for not more than ten years or to payment of a fine of not more than
1.12 \$20,000, or both, if the call triggers an emergency response and, as a result of the response,
1.13 someone suffers great bodily harm or death; or

1.14 (2) to imprisonment of not more than three years or to payment of a fine of not more
1.15 than \$10,000, or both, if the call triggers an emergency response and as a result of the
1.16 response, someone suffers substantial bodily harm.

1.17 **EFFECTIVE DATE.** This section is effective August 1, 2020, and applies to crimes
1.18 committed on or after that date.

2.1 Sec. 2. Minnesota Statutes 2018, section 609.78, is amended by adding a subdivision to
2.2 read:

2.3 Subd. 2c. **Restitution.** (a) The court, while imposing a sentence on a person convicted
2.4 under subdivision 2, clause (2), shall order the person to make full and complete restitution
2.5 to:

2.6 (1) the public agency for the reasonable costs of the emergency response by that public
2.7 agency; and

2.8 (2) a direct victim of the fictitious emergency.

2.9 (b) A restitution payment under paragraph (a) does not limit the liability for damages
2.10 in a civil action or proceeding for an amount greater than the restitution payment.