

**RCW 9A.84.040 False reporting.** (1) A person commits false reporting if, with knowledge that the information reported, conveyed, or circulated is false, he or she initiates or circulates a false report or warning of an alleged occurrence or impending occurrence knowing that such false report is likely to cause: Evacuation of a building, place of assembly, or transportation facility; public inconvenience or alarm; or an emergency response.

(2) (a) A person is guilty of false reporting in the first degree if the report was made with reckless disregard for the safety of others, the false reporting caused an emergency response, and death is sustained by any person as a proximate result of an emergency response. False reporting in the first degree is a class B felony.

(b) A person is guilty of false reporting in the second degree if the report was made with reckless disregard for the safety of others, the false reporting caused an emergency response, and substantial bodily harm is sustained by any person as a proximate result of an emergency response. False reporting in the second degree is a class C felony.

(c) A person is guilty of false reporting in the third degree if he or she commits false reporting under circumstances not constituting false reporting in the first or second degree. False reporting in the third degree is a gross misdemeanor.

(3) Any criminal offense committed under this section may be deemed to have been committed either at the place from which the false report was made, at the place where the false report was received by law enforcement, or at the place where an evacuation, public inconvenience or alarm, or emergency response occurred.

(4) Where a case is legally sufficient to charge a person under the age of eighteen with the crime of false reporting and the alleged offense is the offender's first violation of this section, the prosecutor may divert the case.

(5) For the purposes of this section, "emergency response" means any action to protect life, health, or property by:

(a) A peace officer or law enforcement agency of the United States, the state, or a political subdivision of the state; or

(b) An agency of the United States, the state, or a political subdivision of the state, or a private not-for-profit organization that provides fire, rescue, or emergency medical services.

(6) Nothing in this section will be construed to: (a) Impose liability on a person who contacts law enforcement for the purpose of, or in connection with, the reporting of unlawful conduct; (b) conflict with Title 47 U.S.C. Sec. 230 of the communication decency act; or (c) conflict with Title 42 U.S.C. Sec. 1983 of the civil rights act.

[2020 c 344 s 2; 2011 c 336 s 411; 1975 1st ex.s. c 260 s 9A.84.040.]

**Finding—2020 c 344:** "The legislature recognizes that false reporting laws criminalize the knowingly false reporting of certain occurrences that are likely to cause unwarranted evacuations, public inconvenience, or alarm. Recently, however, false reporting and the 911 system have been weaponized, resulting in serious dangers and even lost lives. The term "swatting" describes the false reporting of an emergency with the goal of having a police unit or special weapons and tactics team deployed. The reckless act of swatting, often motivated by the perpetrator's bias towards protected classes, has caused death and trauma in some cases. As such, the legislature finds that a gross misdemeanor is insufficient as a legal response and hereby create[s]

felony false reporting punishments when the false reporting leads to injury or death." [2020 c 344 s 1.]