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**HOUSE BILL NO. 1404**

**AMENDMENT IN THE NATURE OF A SUBSTITUTE**

(Proposed by the Senate Committee for Courts of Justice  
on February 6, 2017)

(Patron Prior to Substitute—Delegate Cole)

A *BILL to amend and reenact §§ 15.2-1716.1 and 18.2-212 of the Code of Virginia, relating to malicious activation of fire alarms; reimbursement of expenses; penalty.*

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 15.2-1716.1 and 18.2-212 of the Code of Virginia are amended and reenacted as follows:  
§ 15.2-1716.1. Reimbursement of expenses incurred in responding to terrorism hoax incident, bomb threat, or malicious activation of fire alarm.**

Any locality may provide by ordinance that any person who is convicted of a violation of subsection B or C of § 18.2-46.6 ~~or~~ ~~of~~, a felony violation of § 18.2-83 or 18.2-84, *or a violation of § 18.2-212*, when his violation of such section is the proximate cause of any incident resulting in an appropriate emergency response, shall be liable at the time of sentencing or in a separate civil action to the locality or to any volunteer emergency medical services agency, or both, which may provide such emergency response for the reasonable expense thereof, in an amount not to exceed ~~\$1,000~~ \$2,500 in the aggregate for a particular incident occurring in such locality. In determining the "reasonable expense," a locality may bill a flat fee of \$250 or a minute-by-minute accounting of the actual costs incurred. As used in this section, "appropriate emergency response" includes all costs of providing law-enforcement, firefighting, and emergency medical services. The provisions of this section shall not preempt or limit any remedy available to the Commonwealth, to the locality, or to any volunteer emergency medical services agency to recover the reasonable expenses of an emergency response to an incident not involving a terroristic hoax or an act undertaken in violation of § 18.2-83 ~~or~~, 18.2-84, *or 18.2-212* as set forth herein.

**§ 18.2-212. Calling or summoning emergency medical services vehicle or firefighting apparatus without just cause; maliciously activating fire alarms; venue.**

A. Any person who without just cause therefor calls or summons, by telephone or otherwise, any emergency medical services vehicle or firefighting apparatus, or any person who maliciously activates a manual or automatic fire alarm in any building ~~used for public assembly or for other public use, including, but not limited to, schools, theaters, stores, office buildings, shopping centers and malls, coliseums, and arenas,~~ regardless of whether an emergency medical services vehicle or fire apparatus responds or not, is guilty of a Class 1 misdemeanor.

B. A violation of this section may be prosecuted either in the jurisdiction from which the call or summons was made or in the jurisdiction where the call or summons was received.

**SENATE SUBSTITUTE**

HB1404S1