

21.4 FALSE REPORT OF COMMISSION OF A CRIME

§ 817.49, Fla. Stat.

To prove the crime of False Report of Commission of a Crime, the State must prove the following four elements beyond a reasonable doubt:

1. (Defendant) **willfully** [imparted] [conveyed] [or] [caused to be imparted or conveyed] **false information or a report about the alleged commission of a crime under Florida law to** (name of law enforcement officer or name of employee of a public safety agency).
2. (Defendant) **knew the information or report was false because** [he] [she] **knew that no such crime had actually been committed.**
3. (Name of law enforcement officer or name of employee of a public safety agency) **was a** [law enforcement officer] [or] [an employee of a public safety agency].
4. (Defendant) **knew** (name of law enforcement officer or name of employee of a public safety agency) **was a** [law enforcement officer] [or] [an employee of a public safety agency].

If requested, read elements of the crime that was falsely reported but do not instruct on the burden of proof for those elements.

The Court instructs you that (insert name of crime) **is a crime under Florida law.**

Patterson v. State, 512 So. 2d 1109 (Fla. 1st DCA 1987).

“Willfully” means intentionally, knowingly, and purposely.

Give if applicable. § 817.49(2)(a), Fla. Stat.

“Public safety agency” means a law enforcement agency, professional or volunteer fire department, emergency medical service, ambulance service, or other public entity that dispatches or provides first responder services to respond to crimes, to assist victims of crimes, or to apprehend offenders.

Enhanced penalties. Give only if applicable. § 817.49(2)(b), Fla. Stat.

If you find (defendant) **guilty of False Report of Commission of a Crime, you must further find whether the State proved beyond a reasonable doubt that:**

1. **The false report of a crime resulted in a response by a federal, state, district, municipal, or other public safety agency; and**
2. **The response resulted in** [death] [great bodily harm] [permanent disfigurement] [or] [permanent disability] **to any person; and**
3. **The** [death] [great bodily harm] [permanent disfigurement] [or] [permanent disability] **was the proximate result of lawful conduct arising out of the response to the false report.**

Give if applicable.

“Great bodily harm” means great as distinguished from slight, trivial, minor, or moderate

harm, and as such does not include mere bruises.

Jones v. Utica Mut. Ins. Co., 463 So.2d 1153 (Fla. 1985).

“Proximate result” means that there must be such a natural, direct, and continuous sequence between the act and the injury that it can reasonably be said that but for the act, the injury would not have occurred.

Lesser Included Offenses

FALSE REPORT OF COMMISSION OF A CRIME – DEATH IS PROXIMATE RESULT OF LAWFUL CONDUCT ARISING FROM RESPONSE TO THE FALSE REPORT — 817.49(2)(b)2.

CATEGORY ONE	CATEGORY TWO	FLA. STAT.	INS. NO.
False Report of Commission of Crime – Great bodily harm, etc. is proximate result of lawful conduct arising from response to the false report		817.49(2)(b)1.	21.4
False Report Commission of a Crime		817.49(1)	21.4
	Attempt	777.04(1)	5.1

Comments

“Law enforcement officer” is not defined in chapter 817, Florida Statutes, or in case law interpreting and applying section 817.49. Trial judges may consult sections 790.001, 934.02, and 943.10 in deciding whether and how to define “law enforcement officer” for the jury.

This instruction was adopted in 1981 and amended in 2014 [143 So. 3d 893], and on December 15, 2021.