

Chiaramonte - Written Testimony for MD Swatting Le

Uploaded by: Chiaramonte, John

Position: FAV



**SB101: Criminal Law - Public Safety - Interference With Agencies and Services - Prohibitions
Judicial Proceedings Committee**

Wednesday, January 20, 2021, 11:00 AM

Mission Critical Partners in support of SB101

I represent Mission Critical Partners, a professional services firm that assists clients enhance and evolve their public safety and emergency communications systems and operations as the President of our Consulting Services Division. We provide consulting services to clients with public and life safety missions nationwide, consisting of public safety answering points (PSAPs) and emergency communications centers (ECCs) in nearly all 50 states and the District of Columbia. My career began as a 911 telecommunicator and first responder. I am a certified Emergency Number Professional (ENP) who has served numerous state and local governments, and Federal agencies including the U.S. Department of Transportation (DOT) and the Department of Homeland Security (DHS). With a team of nearly 150 public safety and emergency communications subject matter experts nationwide, these comments draw on our company's breadth of experience as 911 and telecommunications professionals prior to becoming consultants, as well as our service to local, regional, and state 911 systems.

We strongly support this legislation as it would strengthen penalties for many misuses of the 911 system through Swatting—deceptively sending public safety responders to the address of an oblivious person; Telephone Denial of Service (TDoS)—inundating a 911 Center's voice lines, preventing legitimate emergency calls from getting through; Distributed Denial of Service (DDoS)—malevolently disrupting a 911 Center by interfering with its network connectivity; and Caller ID manipulation or “spoofing”—using a false identity when making a phone call or sending a text.

The days of kids' innocent pranks conducted by immature adolescents have been replaced with a new, much more serious twist on this old crime. Disgracefully named “swatting,” which involves calling 911 and faking an emergency that draws a tactical response from law enforcement responders—usually a SWAT team—is dangerous to first responders and victims. The community is placed in danger as responders rush to the scene, taking them away from real emergencies while law enforcement is placed in danger as unsuspecting residents may try to defend themselves.

The schemes are becoming more and more sophisticated and more and more common.

- In 2007, a 19-year-old Washington state man was charged by California authorities after pretending to be calling from the home of a married California couple, saying he had just shot and murdered someone. A local SWAT team arrived on the scene, and the husband, who had been asleep in his home with his wife and two young children, heard something and went outside to investigate—after first stopping in the kitchen to pick up a knife. What he found was a group of SWAT assault rifles aimed directly at him. Fortunately, the situation didn't escalate, and no one was injured.
- In 2016, a Texas attacker sent out provocative tweet asking recipient to “click here.” Those that did were directed to attacker's webpage which launched malware attack on the user's phone. The malware caused the phone to call 911 repeatedly even though the caller did not dial it. Tens of thousands of false calls were made to 911, affecting PSAPs from coast-to-coast.

MissionCriticalPartners

- In December 2017, law enforcement in Wichita received a call that a man had killed several family members and was going to shoot more. They arrived at the address provided in the phone call, shooting the resident when they mistook a gesture as the man reaching for a gun.

These are just a few examples of the seriousness of the problem affecting our nation's PSAPs, including those here in Maryland and the problems are becoming increasingly more complex. Just three weeks ago, the Federal Bureau of Investigation (FBI) released¹ a public service announcement warning of offenders misusing smart home devices and cameras to carry out swatting attacks.

Penalty under current Maryland law for making anonymous phone calls or sending data that is meant to torment others is a maximum imprisonment of up to three years and/or a fine of up to \$500. As a representative with thirty years of dedication to the 911 community, I support the recommendation of adding the following penalties for TDoS or DDoS:

- Someone attempting to interrupt or impair a PSAP (911 Center) would be subject to imprisonment up to 5 years and/or a fine up to \$25,000; and
- An individual who successfully interrupts a PSAP could be imprisoned for up to 10 years and/or a fine up to \$50,000.

Penalty under current Maryland law for making a false report is subject to imprisonment up to 6 months and/or a fine up to \$500. As a representative with thirty years of dedication to the 911 community, I support the recommendation of adding the following subsequent penalties for swatting, including:

- If law enforcement is dispatched to a scene based on a false report, imprisonment for up to 3 years and/or a fine up to \$5,000; and
- If serious bodily injury occurs, imprisonment for up to 5 years and/or a fine up to \$25,000.

Based on our research of other states legislation regarding Swatting, this legislation would better align Maryland with laws already in effect in California, Connecticut, Indiana, and Wisconsin that have enhanced penalties for persons convicted under their statutes. As a deterrent and illustration, stricter penalties for these events must be implemented with consequences to reflect the crime. I thank you for hearing these concerns, applaud you for taking action on this issue, and urge you to support SB101.

Respectfully submitted,

MISSION CRITICAL PARTNERS, LLC

By: */s/ John Chiaramonte*
John Chiaramonte, ENP, PMP
President of Consulting Services
Mission Critical Partners, LLC
690 Gray's Woods Blvd
Port Matilda, PA 16870

¹ <https://www.ic3.gov/Media/Y2020/PSA201229>

SB101 Cunningham Testimony.pdf

Uploaded by: Cunningham, Randall

Position: FAV



Testimony before the Maryland Senate

Senate Bill: Senate Bill 101

Position: SUPPORT

Date: January 17, 2021

My name is Randall Cunningham and I am testifying in support of Senate Bill 101. I have been employed with Harford County Government for over 20 years, working for the Department of Emergency Services, providing support and management for the department, which includes our County's 9-1-1 PSAP (Public Safety Answering Point). I have also served on the Maryland 9-1-1 Board for the for the past 21 Months as a board member, and current Chairman of the Cybersecurity Subcommittee. Last year I was appointed to the Next Generation 9-1-1 Commission supporting Cybersecurity roles for that Commission.

Over the past 20 years supporting 9-1-1 in the county, I have witnessed significant changes from what was previously a very simple procedure of a resident calling for help, to what is progressing to be a very highly technical system, interconnected and communicating across jurisdictions and states. Gone are the days of a simple phone call and asking for assistance; now systems are being enhanced by the impact of technology in today's world, and tomorrow's new innovations. Already today, our 9-1-1 Specialists can receive voice and text messages, but for phones that are capable, the 9-1-1 Specialist can view the location of that phone on a map. These recent enhancements are assisting "Step 2" of the system, the Field Responders, our dedicated Fire, Medical and Law Enforcement staff, to respond to the incident, locate the caller, and provide life and property saving techniques.

Tomorrow's world of technology will enhance this system by allowing for more accurate call routing, ability to transfer 9-1-1 calls to any jurisdiction without losing capabilities, transfer of images or videos, and other services that have become accepted as common communication methods in today's world.

Without the system we know as "9-1-1" and the future "NG 9-1-1," there would be a severe impact to the getting the help needed to the residents and visitors of the State of Maryland. Any effort to negatively impact this infrastructure and lifesaving system, or cause interruptions, delays or false statements should be prohibited. We have all witnessed attempts to infect and disable computer networks in every area of today's infrastructure. We must protect our Public Safety infrastructure from these attempts and establish penalties or those attempting to do so.

In today's world the community expects to be able to communicate with 9-1-1 and public safety services the way they communicate with each other. The systems and technologies that allow that level of communication, unfortunately, also allows those with malicious intent to use those same systems as a pathway to cause harm and disruption. By supporting Senate Bill 101, you are allowing law enforcement and the judicial system to prosecute those malicious actors.

Sincerely

A handwritten signature in blue ink, appearing to read "Randall J. Cunningham". The signature is fluid and cursive, with a long, sweeping underline.

Randall J. Cunningham
Public Safety Manager
Harford County Government

Ferretti - Written Testimony - SB0101.pdf

Uploaded by: Ferretti, William

Position: FAV

SB101: Criminal Law - Public Safety - Interference With Agencies and Services -
Prohibitions Judicial Proceedings Committee

Wednesday, January 20, 2021, 1:00 PM

My name is William Ferretti. I am a former 9-1-1 Director for Montgomery County and also a former member of the Commission to Advance NG911 Across Maryland.

Working in the 9-1-1 center, I saw first hand the impact of annoying/harassing phone calls and denial of service attacks on a center's ability to effectively carry out its lifesaving mission in service to the public. I came to see that the Maryland Criminal Code was outdated with respect to addressing these crimes at present and this would likely be exasperated further with the technological changes being introduced as part of with Next Generation 9-1-1.

Coming from this vantage point, I was pleased to have this as one of many topics that were on the 2019 agenda for the Commission to Advance NG911 Across Maryland, and that the Commission also took this up in 2020.

I am strongly in favor of SB101. It seeks to address needed updates to the Maryland Criminal Code for telephone misuse, crimes involving the use of telecommunication systems for unauthorized access to computers, and using 9-1-1 centers as conduits for providing false information to law enforcement with illicit intent.

This legislation updates the telephone misuse statutes to account for the use of text and data within our telecommunications systems. It further seeks to increase the penalty for violations to that of a felony only when the target of this behavior is a 9-1-1 center, also known as a Public Safety Answering Point, or a public safety agency. The legislation also addresses the phenomenon known as SWATTING- providing fake information through a 9-1-1 center or public safety agency in order to garner an elevated police response. This is often done through the use of caller ID manipulation, known as spoofing, in order to send false information as part of the call or text for assistance. These activities endanger both the public and the responding law enforcement officers.

Cyber attacks have unfortunately become all too common in our world. Public Safety Agencies and 9-1-1 Centers have become targets for attacks using techniques such as Telephone Denial of Service (TDoS) and Distributed Denial of Service (DDoS). These attacks can negatively impact a 9-1-1 center's ability to respond to emergency situations. Therefore this bill seeks to provide for enhanced penalties when the target of such attacks is a 9-1-1 center.

Finally, because the 9-1-1 center is the initial point of entry for a public safety response, there is the potential for misuse by providing false information in order to garner law enforcement response. This legislation seeks to provide enhanced penalties in these

instances especially when the result leads to serious bodily injury, whether that be a first responder or member of the public.

I urge you to support SB101 with a favorable recommendation.

Respectively,

A handwritten signature in blue ink that reads "William Ferretti". The signature is written in a cursive style with a large, stylized initial "W".

William Ferretti

SB101 Swatting Testimony Sen. Cheryl Kagan.pdf

Uploaded by: Kagan, Sen. Cheryl

Position: FAV

CHERYL C. KAGAN
Legislative District 17
Montgomery County

Vice Chair
Education, Health, and
Environmental Affairs Committee

Joint Audit Committee
Joint Committee on Federal Relations



Miller Senate Office Building
11 Bladen Street, Suite 2 West
Annapolis, Maryland 21401
301-858-3134 · 410-841-3134
800-492-7122 Ext. 3134
Fax 301-858-3665 · 410-841-3665
Cheryl.Kagan@senate.state.md.us

THE SENATE OF MARYLAND
ANNAPOLIS, MARYLAND 21401

SB101: Criminal Law - Public Safety - Interference With Agencies and Services - Prohibitions
Senate Judicial Proceedings Committee
Wednesday, January 20, 2021, 11:00AM

“When 9-1-1 fails, people die.”

You’ve probably heard me say this before, since three people have died in my district when 9-1-1 failed. Often, we enact legislation to solve potential problems; SB101 proposes to address an issue that has already cost lives.

A person making fake calls to the police used to be seen as an innocent prankster. Today, many of these individuals or organizations are sophisticated and dangerous. Current penalties for interfering with 9-1-1 systems are insufficient to discourage the planning and execution of attacks. The Next Generation 9-1-1 Commission (NG911) I chair recommends harsher sentences in order to deter weaponizing 9-1-1.

Methods of misusing the 9-1-1 system include:

- Telephone Denial of Service (TDoS): flooding a 9-1-1 Center’s voice lines, preventing legitimate emergency calls from getting through;
- Distributed Denial of Service (DDoS): maliciously disrupting a 9-1-1 Center by overwhelming its Internet network;
- Caller ID manipulation: using a false identity when making a phone call or sending a text; and
- Swatting: fraudulently sending public safety officers (SWAT teams) to the address of an innocent person.

Deliberate, fraudulent schemes to mislead police can have tragic consequences. SWAT teams rush to stop an “armed and dangerous criminal,” but instead barge into the home of an innocent resident. The resulting chaos can result in injuries or fatalities. Additionally, interrupting 9-1-1 services wastes time and resources that should be reserved for actual emergencies.

False reports are not a hypothetical problem-- even in Maryland. In 2019, syndicated newspaper columnist Leonard Pitts Jr. was in his Bowie home when police showed up, ordered him to his knees, and handcuffed him. Officers later explained that a 9-1-1 caller had falsely accused him of murdering his wife. Sadly, Mr. Pitts is not unique; others (particularly other African-Americans) have been victims to swatting. This past August, Los Angeles PD surrounded Melina Abdullah’s house because they got a call that she and her children were being held hostage by a man demanding one million dollars. Abdullah, the co-founder of Black Lives Matter Los Angeles, streamed the incident on her Instagram.

Penalties under current law for making anonymous phone calls or sending data that is meant to torment others are a maximum imprisonment of up to three years and/or a fine of up to \$500. The NG911 Commission recommends strengthening sentences for TDoS or DDoS:

- Someone **attempting to interrupt** or impair a PSAP (9-1-1 Center) would be subject to imprisonment up to 5 years and/or a fine up to \$25,000; and
- An individual who **successfully interrupts** a PSAP could be imprisoned for up to 10 years and/or a fine up to \$50,000.

In Maryland, an individual who makes a false report (swatting) is currently subject to imprisonment up to 6 months and/or a fine up to \$500. The NG911 Commission recommends two additional penalties:

- If law enforcement is dispatched to a scene based on a false report, imprisonment for up to 3 years and/or a fine up to \$5,000; and
- If serious bodily injury occurs, imprisonment for up to 5 years and/or a fine up to \$25,000.

The NG911 Commission reviewed last year's [SB837/](#)[HB1024](#) and recommended a clarifying tweak:

- "DATA" means information transmitted through a telephone, including text messages, images, and video;
- "EQUIPMENT" means any device that can contact 9-1-1 (i.e., computer, application, peripheral device, etc.); and
- (3-804) (a) A person may not use telephone facilities, DEVICES, DATA FILES, or equipment to make:...

This reflects that disruptions can originate from different types of technology-- not just from telephone calls.

I urge a favorable report on SB101.

SB0101-JPR_MACo_SUP.pdf

Uploaded by: Kinnally, Kevin

Position: FAV



Senate Bill 101

Criminal Law - Public Safety - Interference With Agencies and Services - Prohibitions

MACo Position: **SUPPORT**

To: Judicial Proceedings Committee

Date: January 20, 2021

From: Kevin Kinnally

The Maryland Association of Counties (MACo) **SUPPORTS** SB 101. This bill will update state laws to protect against telephone misuse and sophisticated cyber-attacks that pose a significant threat to the security and stability of Maryland's 9-1-1 system.

In 2019, the General Assembly passed Carl Henn's Law, landmark legislation to update state laws and the 9-1-1 financing system to provide the flexibility and resources needed for the deployment of a statewide Next Generation 9-1-1 (NG911) system that our residents expect and deserve. As Maryland accelerates its move toward NG911, proper safeguards are necessary to protect against new and evolving cyber threats, including denial-of-service attacks and intrusions by malicious hackers.

SB 101 generally prohibits any actions that intend to interrupt or impair the functioning of a 9-1-1 center. Specifically, the bill prohibits the use of telephone facilities or equipment to make calls or send data to a 9-1-1 center or public safety agency with the intent to (1) trigger, affect, or disrupt an emergency response, or (2) impair the functioning of the 9-1-1 center or public safety agency. If an individual commits a prohibited act that interrupts the operations of a 9-1-1 center, the person is guilty of a felony and subject to imprisonment for up to 10 years and/or a fine up to \$50,000.

The bill also expands the scope of acts currently prohibited during the use of a telephone or equipment to include sending data that is reasonably expected or intends to annoy, abuse, torment, harass, or embarrass another. Additionally, the bill prohibits a person from violating the prohibition on misuse of telephone facilities and equipment by targeting a 9-1-1 center or public safety agency. A violator is guilty of a felony, punishable by imprisonment for up to five years, and/or a \$25,000 maximum fine.

By strengthening state laws to protect against growing and evolving cyber threats, SB 101 will enhance public safety communications in Maryland and in our local communities.

Accordingly, MACo urges the Committee to issue a **FAVORABLE** report on SB 101.

MCPA-MSA_SB-101-PSAP Interference-Support.pdf

Uploaded by: Morris, David

Position: FAV



Maryland Chiefs of Police Association

Maryland Sheriffs' Association



MEMORANDUM

TO: The Honorable William C. Smith, Jr. Chairman and
Members of the Judicial Proceedings Committee

FROM: Chief David Morris, Co-Chair, MCPA, Joint Legislative Committee
Sheriff Darren Popkin, Co-Chair, MSA, Joint Legislative Committee
Andrea Mansfield, Representative, MCPA-MSA Joint Legislative Committee

DATE: January 20, 2021

RE: **SB 101 – Criminal Law – Public Safety – Interference With Agencies and
Services - Prohibitions**

POSITION: **SUPPORT**

The Maryland Chiefs of Police Association (MCPA) and the Maryland Sheriffs' Association (MSA) **SUPPORT SB 101**. This bill expands existing prohibitions and establishes new prohibitions to protect against telephone misuse and cyber attacks that pose threats to Maryland's 9-1-1 system.

The General Assembly recently passed legislation to update state laws and financing to provide the flexibility and resources to deploy statewide Maryland's Next Generation 9-1-1 (NG911). This legislation, which passed in 2019, was recommended by the Commission to Advance NG911 Across Maryland and was referred to as Carl Henn's law. SB 101 is based on the Commission's 2019 report which identified the need to update Maryland law to combat complex and sophisticated cyberattacks and telephone misuse that could disrupt or disable a public safety answering point (PSAP) operations that could lead to severe consequences to Maryland's NG911. The legislation includes critical updates to sections of the Criminal Law Article addressing the misuse of telephone facilities and equipment, unauthorized access to computer systems and software, and expanded prohibitions for making false statements to a PSAP.

As Maryland develops and implements NG911 these protections are needed to guard against cyber threats and vulnerabilities. For these reasons, MCPA and MSA **SUPPORT SB 101** and urge a **FAVORABLE** report.