

SB881 - False Emergency - Anti-Swatting.pdf

Uploaded by: Doyle Niemann

Position: FAV



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To: Members of The Senate Judicial Proceedings Committee

From: Doyle Niemann, Chair, Legislative Committee, Criminal Law and Practice Section

Date: February 28, 2022

Subject: **SB881 – Criminal Law – False Statements – Emergency or Commission of a Crime (Anti-Swatting Act of 2022)**

Position: **Support**

The Legislative Committee of the Criminal Law & Practice Section of the Maryland State Bar Association (MSBA) **Supports SB881 – Criminal Law – False Statements – Emergency or Commission of a Crime (Anti-Swatting Act of 2022).**

This bill prohibits a person from making a false claim of an emergency or the commission of a crime to 911, law enforcement, or an emergency report recipient that they know in whole or in part to be false with reckless disregard for possible harm. There are provisions providing for separate treatment for first-time juvenile offenders and more serious penalties if the false claim actually results in harm.

The bill is a response to a disturbing trend, sometimes referred to as “swatting,” in which individuals make false reports that precipitate serious police reaction that results in harm to innocent individuals. The bill fills a gap in the current law.

For the reasons stated, we **Support SB881 – Criminal Law – False Statements – Emergency or Commission of a Crime (Anti-Swatting Act of 2022).**

If you have questions about the position of the Criminal Law and Practice Section’s Legislative Committee, please feel free to address them to me at 240-606-1298 or at doyleniemann@verizon.net.

SB881 - ADL Written Testimony_MD General Assembly_

Uploaded by: Meredith Weisel

Position: FAV



**Maryland General Assembly
Senate Judicial Proceedings Committee
March 1, 2022**

Testimony of Meredith R. Weisel
ADL Washington D.C. Regional Director

ADL (the Anti-Defamation League) is pleased to submit this testimony in support of *Senate Bill 881 Criminal Law - False Statements - Emergency or Commission of Crime (Antiswatting Act of 2022)*

ADL (the Anti-Defamation League)

Since 1913, the mission of ADL (the Anti-Defamation League) has been to “stop the defamation of the Jewish people and to secure justice and fair treatment to all.” Dedicated to combating antisemitism, prejudice, and bigotry of all kinds, as well as defending democratic ideals and promoting civil rights, ADL has long been recognized as a leading resource on effective responses to violent bigotry, conducting an annual Audit of Antisemitic Incidents and drafting model hate crime statutes for state legislatures.

Since its inception over a century ago, ADL has been the leading organization fighting hate. As we have said time and time again, where people go, hate follows—including online. That is why, in the early days of dial-up, ADL anticipated the ways in which hate speech could poison the internet and made certain we were investing our time and resources to communicate to the key players in the industry the need for clear and understandable terms of service on hate speech and encouraged them to enforce these policies aggressively. In 2017, we doubled down on our efforts and launched the Center for Technology and Society (CTS). CTS is a leader in the global fight against online hate and harassment.

In a world riddled with antisemitism, bigotry, and extremism, ADL has worked with the tech industry and elected leaders to promote best practices that can effectively address and counter these threats. Our combination of technical and policy expertise—and decades of lived experience embedded in a community that has been targeted, often lethally, by bigots and extremists—informs our approach to fighting online hate, protecting targets of online harassment, and holding platforms accountable.

Impact of Hate Online

In addition to the surge of hate crimes in our communities, the growth of online hate and harassment targeting marginalized groups is a trend that deserves action by policymakers.

According to a recent national ADL study, 27 percent of Americans experienced severe online hate and harassment in 2021. Of individuals surveyed who experienced any type of online hate, 59 percent of African American respondents said they experienced harassment online because of their identity, followed by 57 percent of Muslims, 50 percent of Asian Americans, 45 percent of those who identified as LGBTQ+, 33 percent of Latinos, 35 percent of women, and 31 percent of Jews. All Maryland residents have a stake in effective responses to hate online.

Swatting

We must do more to ensure we are protecting vulnerable groups against actions of online hate and harassment as well as its consequences on the ground. Such actions include the emerging threat of swatting. Initiating a false alarm is also known as “swatting” when it involves the malicious act of creating a 911 hoax with the goal of sending emergency responders to another’s dwelling. The objective of swatting is none other than to weaponize emergency response systems to harass and intimidate others. It is costly, hazardous, and causes trauma and serious harm to individuals and to communities. This dangerous conduct has resulted in physical and psychological injuries—including at least one death—to direct targets as well as unintended victims.

Swatting has happened across Maryland, resulting in a grave misuse of government emergency response resources, serious bodily harm to targets, and severe emotional distress to victims. And yet, the law in Maryland has not kept pace. Maryland does not currently have a swatting-specific law on the books. SB881 seeks to address this problem by holding swatting perpetrators responsible, empowering victims, and establishing sentencing guidelines that reflect the severity of these incidents and can deter future incidents.

Recommendation

For these reasons, ADL recommends SB881 is enacted to address swatting in Maryland State law. If passed, this law would prohibit a person from making emergency reports with reckless disregard of causing bodily harm to an individual as a direct result of a hoax swatting call. It would also establish appropriate penalties for a violation of the Act and permit the target of swatting to bring a civil action against the offender. This bill not only gives prosecutors the tools to address the serious act of swatting, but also empowers victims of protected communities.

We urge the Senate Judicial Proceedings Committee to give SB881 a favorable report.

SB0881-JPR_MACo_SUP.pdf

Uploaded by: Michael Sanderson

Position: FAV



Senate Bill 881

*Criminal Law - False Statements - Emergency or Commission of Crime
(Antiswatting Act of 2022)*

MACo Position: **SUPPORT**

To: Judicial Proceedings Committee

Date: March 1, 2022

From: Kevin Kinnally and Michael Sanderson

The Maryland Association of Counties (MACo) **SUPPORTS** SB 881. This bill would strengthen state laws to protect first responders and residents from malicious threats that disrupt emergency communications and jeopardize public safety.

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 Maryland residents expect and deserve. As Maryland accelerates its move toward NG911, proper safeguards are necessary to protect against new and evolving threats.

SB 881 would expressly prohibit "swatting," where an individual places a phony 9-1-1 call, often alleging a hostage situation or other serious circumstance, with the intention of dispatching law enforcement personnel to an address where no emergency exists. By weaponizing 9-1-1 and public emergency response staff, swatting places first responders and civilians in danger, and drains limited public safety resources.

The bill prohibits a person from making a false statement to a "governmental emergency report recipient" with reckless disregard of causing bodily harm to an individual as a direct result of a response to the false statement. The bill (1) specifies criminal penalties for violations, (2) establishes a civil cause of action against a person who causes injuries as a result of a violation, (3) contains venue-related provisions, and (4) authorizes court-ordered reimbursement of individuals who incur damages because of a response to a prohibited false statement.

By strengthening state laws to protect 9-1-1 centers, first responders, and residents from dangerous swatting incidents, SB 881 would enhance public safety in Maryland and in our local communities. Accordingly, MACo urges the Committee to issue a **FAVORABLE** report on SB 881.

MCPA-MSA_SB 881 Anti-Swatting_Support with Amendme

Uploaded by: Andrea Mansfield

Position: FWA



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 of Staff 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: March 1, 2022

RE: **SB 881 – Criminal Law - False Statements - Emergency or Commission of
Crime (Antiswatting Act of 2022)**

POSITION: SUPPORT WITH AMENDMENTS

The Maryland Chiefs of Police Association (MCPA) and the Maryland Sheriffs' Association (MSA) **SUPPORT SB 881 WITH AMENDMENTS**. This bill prohibits what is referred to as swatting. Swatting is the act of deceiving law enforcement officer or other emergency personnel into sending response teams to another person's address.

MCPA and MSA appreciates the sponsor's intent and supports the bill to prevent false emergency calls that place responding officers and communities at risk. However, both organizations are concerned with the language giving juveniles a "free pass" for a first offense.

MCPA and MSA believe this decision should remain within the purview of the Department of Juvenile Services (DJS) to decide based upon the severity of the situation and totality of circumstances. As an example, a juvenile falsely reporting an active shooter, or another 911 call falsely reporting a serious crime in progress, generates a tremendous resource response from Law Enforcement, Fire, EMS, etc. This action not only places first responders at risk, but the community at large, has resulted in the loss of life, and should result in full accountability, including the possibility of commitment to the Department of Juvenile Services for out-of-home placement. Under SB 881 as introduced, a juvenile would be guilty of a civil offense and subject to the appropriate juvenile court proceedings. However, the juvenile could not be committed for out-of-home placement. Again, MCPA and MSA believe these decisions should be left to the discretion of DJS.

For these reasons, MCPA and MSA **SUPPORTS SB 881 WITH AMENDMENTS** and requests the language that applies to juveniles be struck from the bill.