

# **MDEM - SB0340 - Antiswatting - Support.pdf**

Uploaded by: Anna Sierra

Position: FAV

**SUPPORT - SB0340**  
**Criminal Law - False Statements - Emergency or Commission of Crime**  
**(Antiswatting Act of 2023)**

Maryland Department of Emergency Management  
Judicial Proceedings Committee  
Hearing Date: 21 FEB 2023

Chairman William C. Smith, Jr.  
Judicial Proceedings Committee  
2 East  
Miller Senate Office Building  
Annapolis, Maryland 20401

Chairman Smith, Jr.,

The Maryland Department of Emergency Management (MDEM) writes today **in support of SB0340 - Criminal Law - False Statements - Emergency or Commission of Crime (Antiswatting Act of 2023)**.

The Swatting Task Force Report released in 2023 recommends that “Maryland should enact a freestanding swatting-specific criminal prohibition.” As home of the Maryland 9-1-1 Board, MDEM supports the Task Force’s thoughtful recommendation and the resulting bill, SB0340. SB0340 seeks to criminalize occurrences when an individual intentionally calls 9-1-1 with knowingly false information for the purposes of dispatching law enforcement response to an individual who the caller knows to be innocent, or with the specific purpose of causing bodily harm to an individual. As the Swatting Task Force report documents, these calls place innocent individuals and responding emergency services in grave danger, and use 9-1-1 systems as weapons against residents. The impact of these events erode confidence and trust in public safety and emergency services.

In summary, the Maryland Department of Emergency Management respectfully requests a **favorable report on SB0340**.

# **SB0340 Antiswatting Act of 2023 FAV.pdf**

Uploaded by: Cecilia Plante

Position: FAV



**TESTIMONY FOR SB0340**  
**Criminal Law - False Statements - Emergency or Commission of Crime**  
**(Antiswatting Act of 2023)**

**Bill Sponsor:** Senator Kagan

**Committee:** Judicial Proceedings

**Organization Submitting:** Maryland Legislative Coalition

**Person Submitting:** Cecilia Plante, co-chair

**Position:** FAVORABLE

I am submitting this testimony in strong support of SB0340 on behalf of the Maryland Legislative Coalition. The Maryland Legislative Coalition is an association of activists - individuals and grassroots groups in every district in the state. We are unpaid citizen lobbyists and our Coalition supports well over 30,000 members.

What a world we live in, where someone can get angry at you and call the police to your house for an emergency that does not exist. In the past, these would be nuisance crimes, but in today's volatile society, people have been killed when police storm into a home where innocent people are sleeping and someone pulls out a gun to defend themselves.

Sadly, we need laws to protect against this kind of careless disregard for the lives of other people and the involvement of police in a call that would potentially take them away from a REAL emergency, or could potentially put them in danger.

SB0340 would make it a misdemeanor for a first-time offense and a felony after that. People should know that they would be prosecuted for this in the hope that it will dissuade them from pursuing such a course of action.

We strongly support this bill and recommend a **FAVORABLE** report in committee.

# **Carrington 2023 Testimony SB340 - Criminal Law - F**

Uploaded by: Darrell Carrington

Position: FAV



**CARRINGTON & ASSOCIATES, LLC**

*Integrity.Passion.Results*

*Since 2006*

**SB340 – Criminal Law - False Statements - Emergency or Commission of  
Crime (Antiswatting Act of 2023)**

**FAVORABLE**

Carrington & Associates, LLC, requests a FAVORABLE report for SB340. This bill establishes prohibitions related to the making of a false statement, report, or complaint of an “emergency” or alleging the commission of a crime to a “governmental emergency report recipient.” Violators are subject to criminal penalties and are civilly liable, as specified. The bill may not be construed to conflict with specified federal statutes. The bill contains a severability clause specifying that if any provision of the bill or the application of the bill is held invalid for any reason in a court of competent jurisdiction, the invalidity does not affect other provisions or any other application of the bill.

We would like to thank Senator Kagan for bringing this important legislation forward. We have all been horrified by the many examples captured on video or otherwise, in which someone uses the threat of calling 9-1-1, or actually makes a call to 9-1-1, as a threat to another person. The person being threaten is most likely a person of color, the person making the threat is not. This legislation is straightforward, and poignant.

For the stated reasons, we ask for a FAVORABLE report on SB340.

Please feel free to contact Darrell Carrington, Managing Director, at [darrell.carrington@verizon.net](mailto:darrell.carrington@verizon.net), if you have any questions and/or would like additional information.

# **SB0340-JPR\_MACo\_SUP.pdf**

Uploaded by: Kevin Kinnally

Position: FAV



**MARYLAND**  
*Association of*  
**COUNTIES**

## **Senate Bill 340**

*Criminal Law - False Statements - Emergency or Commission of Crime  
(Antiswatting Act of 2023)*

MACo Position: **SUPPORT**

To: Judicial Proceedings Committee

Date: February 21, 2023

From: Kevin Kinnally

The Maryland Association of Counties (MACo) **SUPPORTS** SB 340. 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 340 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 because 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 340 would enhance public safety in Maryland and in our local communities. Accordingly, MACo urges the Committee to issue a **FAVORABLE** report on SB 340.



# **SB 340\_mgoldstein\_fav 2023.pdf**

Uploaded by: Mathew Goldstein

Position: FAV



Secular Maryland

secularmaryland@tutanota.com

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February 21, 2023

**SB 340 - SUPPORT**

Hate Crimes - False Statement to a Law Enforcement Officer

Dear Chair Smith, Vice-Chair Waldstreicher, and Members of the Judicial Proceedings Committee,

This bill proposes that swatting be prosecutable as a hate crime when it is utilized for the purpose of harassing and endangering minority communities. Swatting has attracted some hate groups as a method to harass those they hate. On July 2020 a founder and former leader of a neo-Nazi group pleaded guilty to conspiring to place emergency phone calls falsely claiming an armed person took hostages that targeted an African American church, a Cabinet official, journalists and others because of their race or religious affiliation. On December 2020 the U.S. Justice Department charged a former Virginia college student with calling in fake emergencies to prompt law enforcement responses, in coordination with a group the FBI labelled as sympathetic to neo-Nazi ideology, that targeted people who are black or Jewish.

Secular Maryland supports bills like this that assist with protecting innocent groups of citizens who are targeted by people motivated by a biased desire to harm them.

Mathew Goldstein  
3838 Early Glow Ln  
Bowie, MD

# **SWATTING ADL testimonies in Senate 2023 - SB340 an**

Uploaded by: Meredith Weisel

Position: FAV



**Maryland General Assembly**  
**Senate Judicial Proceedings Committee**  
**February 21, 2023**  
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 340 Criminal Law – False Statements – Emergency or Commission of Crime (Antiswatting Act of 2023)* and *Senate Bill 405 Criminal Law – Public Safety – Interference With a Public Safety Answering Point – Penalties*.

**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. Strengthening our laws to ensure we are protecting vulnerable groups against actions of online hate and harassment as well as its consequences on the ground should be a major priority for Maryland.

**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, 23 percent of Americans experienced some type of online hate and harassment in 2022. Hate-based harassment, which targets people because of their membership in a marginalized or minoritized identity group, remains high holding steady at 65%. The 2022 study also showed that the rate of severe harassment has not declined significantly. Defined as physical threats, sustained harassment, stalking, sexual harassment, doxing, and/or swatting, severe harassment of some kind was reported by 27% of respondents, the same as in 2021. 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. SB340 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.

Further, SB405 would address the significant issue of disruption and impairment of our public safety answering points. Swatting not only causes harm to individuals being targeted or witnesses nearby, but it has a ripple effect on our emergency services that are needed elsewhere at the same time. Emergency responders may not be able to get to someone who is suffering a medical emergency, or car accident, or some other actual emergency when the 911 system is disrupted.

### **Recommendation**

For these reasons, ADL recommends both SB340 and SB405 be enacted to address swatting in Maryland State law. If passed, these laws 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. These bills not only give 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 both SB340 and SB405 favorable reports.**

## **Kagan - Report**

Uploaded by: Sen. Cheryl Kagan

Position: FAV

# **REPORT OF THE TASK FORCE TO STUDY THE PRACTICE KNOWN AS “SWATTING”**



FEBRUARY 2023



February 9, 2023

Governor Wes Moore  
State House  
100 State Circle  
Annapolis, MD 21401

Senate President Bill Ferguson  
State House, H-107  
100 State Circle  
Annapolis, MD 21401

House Speaker Adrienne A. Jones  
State House, H-101  
100 State Circle  
Annapolis, MD 21401

RE: Report of the Task Force to Study the Practice Known as “Swatting”

Governor Moore, Senate President Ferguson, and House Speaker Jones,

Attached you will find the final Report of the Task Force to Study the Practice Known as “Swatting.” During the 2022 General Assembly, **Senate Bill 881, Task Force to Study the Practice Known as “Swatting”** passed unanimously in both the Senate and House and was signed by then Governor Hogan. Swatting has become a serious problem nationwide and Maryland has also seen an increase in incidents where there is a deliberate and malicious act of reporting a false violent crime or emergency. This has resulted in a grave misuse of government emergency response resources, serious bodily harm to targets, and severe emotional distress to victims.

The task force was directed to study the current laws applicable and make recommendations relating to legislative changes to prohibit the practice of swatting. Members of the task force met several times throughout the Fall and early Winter of 2022 to review current laws and came to the understanding that the law in Maryland has not kept pace nor does it have a swatting-specific law on the books. The task force went to great lengths in our discussions to consider how to address this problem by holding swatting perpetrators responsible, empowering victims, and establishing appropriate guidelines for criminal penalties that reflect the severity of incidents and future incidents.





Throughout the report you will find examples of Maryland based swatting incidents and why current laws must be updated. Starting on Page 10 you will find a set of recommendations on how Maryland can enact a freestanding swatting-specific criminal prohibition. Two cross-filed bills have now been introduced in the 2023 legislative session with these recommendations. Senate Bill 340/House Bill 745, Criminal Law – False Statements – Emergency or Commission of Crime (Antiswatting Act of 2023), which if passed will implement the task force recommendations. Task force members Senators Cheryl Kagan and Jeff Waldstreicher and Delegates Lesley Lopez, Sandy Bartlett and Rachel Muñoz are all co-sponsors on these bills.

As you may know, the ADL (the Anti-Defamation League) is a leading anti-hate organization founded in 1913 with a mission to “stop the defamation of the Jewish people and to secure justice and fair treatment to all.” Today, ADL continues to fight all forms of antisemitism and bias, using innovation and partnerships to drive impact. A global leader in combating antisemitism, countering extremism and battling bigotry wherever and whenever it happens, ADL works to protect democracy and ensure a just and inclusive society for all.

Therefore, it has been my honor to serve as the Chair of this task force because the issue of swatting has been something ADL has seen ravaging our marginalized communities. We feel strongly that we must protect vulnerable groups against actions of online hate and harassment like swatting. 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.

The task force members listed on Page 19 brought together expertise from law enforcement, the legislature, the public defender, the Maryland state’s attorney, and the ADL. Important discussions were held so that Maryland can continue to be a leader in the fight against hate.

Please do not hesitate to contact me with any questions related to the task force report. I look forward to robust discussions during the legislative



hearings on these bills. It is vital we work together to ensure that swatting becomes something perpetrators are held accountable for, and no one faces being a victim again.

Sincerely,

*Meredith R. Weisel*

Meredith R. Weisel  
ADL Washington, D.C. Regional Director  
[mweisel@adl.org](mailto:mweisel@adl.org)  
301-437-2554

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## INTRODUCTION

“Swatting” is the deliberate and malicious act of reporting a false violent crime or emergency to evoke an aggressive response from a law enforcement agency to a target location.<sup>1</sup> The falsely reported threat is designed to be sufficiently alarming so as to prompt a heightened response from law enforcement, such as by a Special Weapons and Tactics (SWAT) team.<sup>2</sup>

Exploitation of the 911 emergency system via swatting places the target, emergency responders, and innocent bystanders at risk physically and emotionally. In addition to those risks, swatting diverts resources from legitimate emergencies. A single incident can cost a law enforcement agency an estimated \$15,000 to \$100,000.<sup>3</sup> Despite law enforcement’s best efforts, swatting calls can be difficult to identify as false because the callers use

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<sup>1</sup> Anti-Defamation League: Center for Technology and Society, *What is Swatting?* (Aug. 18, 2022), [https://www.adl.org/resources/blog/what-swatting?gclid=EAIaIQobChMI9PXynvmr\\_AIVSkpyCh3P6gUAEAAAYASAAEgIXNPD\\_BwE](https://www.adl.org/resources/blog/what-swatting?gclid=EAIaIQobChMI9PXynvmr_AIVSkpyCh3P6gUAEAAAYASAAEgIXNPD_BwE) (hereinafter “ADL”); *see also Dobbs v. Townsend*, 416 F. Supp. 3d 441, 445 (D. Md. 2019) (describing “swatting” as “the act of placing a 911 call in which a false report of a violent crime is made to elicit a police . . . [SWAT] response to the physical address of a targeted individual”) (cleaned up).

<sup>2</sup> Federal Bureau of Investigation (FBI): Stories, *The Crime of ‘Swatting’: Fake 9-1-1 Calls Have Real Consequences*, (Sept. 3, 2013), <https://www.fbi.gov/news/stories/the-crime-of-swatting-fake-9-1-1-calls-have-real-consequences1> (hereinafter “FBI: Stories”); ADL, *supra* note 1.

<sup>3</sup> ADL, *supra* note 1.

technology, such as Caller Identification (“ID”) spoofing, social engineering, and TTY to make it appear as though a call is coming from a legitimate source, like the target’s phone.<sup>4</sup>

Swatting first gained notoriety in online communities.<sup>5</sup> One notable variation involved a gamer targeting a rival’s residence while the rival was livestreaming. Because the target was mid-livestream, law enforcement’s response to the false report was broadcast via the internet.<sup>6</sup>

Swatting, however, quickly moved beyond the online community.<sup>7</sup> The range of swatting targets has expanded to include public places, particularly schools.<sup>8</sup> Likewise, the motive behind swatting has expanded; it is now used to ambush

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<sup>4</sup> FBI Las Vegas, *FBI Las Vegas Federal Fact Friday: The Dangers of Swatting* (Sept. 23, 2022), <https://www.fbi.gov/contact-us/field-offices/lasvegas/news/press-releases/fbi-las-vegas-federal-fact-friday-the-dangers-of-swatting> (hereinafter “FBI Las Vegas”).

<sup>5</sup> Nathan Grayson, *Twitch streamers traumatized after four ‘swattings’ in a week*, THE WASHINGTON POST, Aug. 15, 2022, <https://www.washingtonpost.com/video-games/2022/08/15/keffals-adin-ross-ishowspeed-swatting-twitch-youtube/> (“Swatting is not a new trend and has been deployed against numerous gamers, internet users and content creators for well over a decade.”); Odette Yousef, *False calls about active school shooters are rising. Behind them is a strange pattern*, NPR: NATIONAL SECURITY (Oct. 7, 2022), <https://www.npr.org/2022/10/07/1127242702/false-calls-about-active-shooters-at-schools-are-up-why>.

<sup>6</sup> Grayson, *supra* note 5; ADL, *supra* note 1.

<sup>7</sup> FBI Las Vegas, *supra* note 4.

<sup>8</sup> See, e.g., Martin Weil, *False Reports of violence Monday at area schools, authorities say*, THE WASHINGTON POST (Sept. 19, 2022), [https://www.washingtonpost.com/local/public-safety/false-reports-of-violence-monday-at-area-schools-authorities-say/2022/09/19/bbc7a830-3877-11ed-9f55-b65f1323f2f\\_story.html](https://www.washingtonpost.com/local/public-safety/false-reports-of-violence-monday-at-area-schools-authorities-say/2022/09/19/bbc7a830-3877-11ed-9f55-b65f1323f2f_story.html).

individuals, often vulnerable ones, as a form of revenge,<sup>9</sup> harassment, or intimidation.<sup>10</sup> Regardless of the location or the motive, the common thread throughout swatting incidents is that the bad actor attempts to exploit law enforcement and weaponize it against the target.

Over the last decade, there has been a significant uptick in swatting incidents nationwide.<sup>11</sup> While there are no national statistics tracking how many swatting incidents occur yearly, it is estimated that the number has more than doubled, up from approximately 400 cases nationwide in 2011, to 1,000 incidents in 2019.<sup>12</sup> A National Public Radio investigation found 113 instances of “hoax calls targeting schools across 19 states” in September 2022 alone.<sup>13</sup>

Maryland has not been spared from this trend.

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<sup>9</sup> FBI: Stories, *supra* note 2.

<sup>10</sup> FBI Las Vegas, *supra* note 4.

<sup>11</sup> Ethan Ehrenhaft, *Officials say threats at River Hill High are hoax originating from outside the United States*, BALTIMORE SUN (Oct. 12, 2022), <https://www.baltimoresun.com/maryland/howard/cng-ho-river-hill-threat-20221012-sbmaoelnrretnbrd7z7sg6bt6a-story.html>.

<sup>12</sup> ADL, *supra* note 1.

<sup>13</sup> Yousef, *supra* note 5.

## MARYLAND-BASED SWATting INCIDENTS

Some examples of Maryland-related swatting incidents are highlighted below.

In 2015, a person seeking revenge against Tyran Dobbs falsely claimed to be armed and holding three hostages at Dobbs's home in Howard County, Maryland.<sup>14</sup> The Howard County Police Department responded to the call and evacuated the apartment building.<sup>15</sup> After speaking with a negotiator, an unarmed Dobbs went to the door, but failed to keep his hands up as ordered by the police.<sup>16</sup> When he attempted to retreat to his apartment, a police officer shot him with rubber bullets, hitting him in the torso and face.<sup>17</sup>

In 2019, Pulitzer Prize winning newspaper columnist Leonard G. Pitts was the target of a swatting incident in Bowie, Maryland.<sup>18</sup> The police received a call from a blocked number claiming that someone was "being murdered" in Pitts's house. The

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<sup>14</sup> *Dobbs, supra* note 1.

<sup>15</sup> *Id.* at 445.

<sup>16</sup> *Id.* at 446.

<sup>17</sup> *Id.*

<sup>18</sup> Martin Weil, *Columnist Leonard Pitts Jr. says hoax 911 call sent police to his Md. home*, WASHINGTON POST (July 9, 2019), [https://www.washingtonpost.com/local/public-safety/columnist-handcuffed-in-bowie-after-police-get-false-information-authorities-say/2019/06/30/32ef85cc-9baa-11e9-85d6-5211733f92c7\\_story.html](https://www.washingtonpost.com/local/public-safety/columnist-handcuffed-in-bowie-after-police-get-false-information-authorities-say/2019/06/30/32ef85cc-9baa-11e9-85d6-5211733f92c7_story.html).

police ordered Pitts, who was sleeping when they arrived, out of the home and handcuffed him while they investigated.<sup>19</sup>

In October 2022, the Howard County Police Department received two false threats concerning River Hill High School in Clarksville, Maryland, which prompted the school to be locked down.<sup>20</sup> In one of the calls, the caller falsely reported that a student was armed with a gun and a bomb.<sup>21</sup> Four students, who were not responsible for the threat, were handcuffed in the school while the police investigated.<sup>22</sup>

Recently, in December 2022, a 17-year-old Marylander triggered three swatting incidents in Florida as retaliation against another minor in relation to an online dispute.<sup>23</sup> The Maryland teen falsely and repeatedly reported that violent crimes involving a firearm were occurring at an address he mistakenly believed corresponded to the target.<sup>24</sup> Each time, approximately ten to 12

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<sup>19</sup> *Id.*

<sup>20</sup> Ehrenhaft, *supra* note 11.

<sup>21</sup> *Id.*

<sup>22</sup> *Id.*

<sup>23</sup> Kate Hussey & Scott Sutton, *Maryland teen arrested after 3 ‘swatting’ calls made in Port St. Lucie: Fake calls said there were violent crimes involving firearm*, WPTV (Dec. 27, 2022), <https://www.wptv.com/news/treasure-coast/region-st-lucie-county/port-st-lucie/maryland-teen-arrested-after-3-swatting-calls-made-in-port-st-lucie>.

<sup>24</sup> *Id.*



officers responded to the innocent bystanders' home, expending a "substantial number of resources."<sup>25</sup> The teen was taken into custody and is facing charges in Maryland.<sup>26</sup>

## CURRENT MARYLAND LAW

Currently, in Maryland, there are no swatting-specific laws. Under Maryland's current laws, a swatting-type situation would most likely constitute the misdemeanor offense of making a false statement to a public official concerning a crime or hazard under Section 9-503 of the Criminal Law Article. That statute prohibits a person from making, or causing to be made, "a statement or report that the person knows to be false as a whole or in material part to an official or unit of the State or of a county, municipal corporation, or other political subdivision of the State that a crime has been committed or that a condition imminently dangerous to public safety or health exists, with the intent that the official or unit investigate, consider, or take action in connection with that

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<sup>25</sup> *Id.*

<sup>26</sup> *Id.*

statement or report.”<sup>27</sup> This offense carries a maximum penalty of up to six months’ incarceration and a fine of up to \$500.<sup>28</sup>

Maryland also has a more general statute that prohibits false statements to a law enforcement officer. A person commits the offense of making a false statement to a law enforcement officer by making, or causing to be made, “a statement, report, or complaint that the person knows to be false as a whole or in material part, to a law enforcement officer of the State, of a county, municipal corporation, or other political subdivision of the State, or of the Maryland-National Capital Park and Planning Police with intent to deceive and to cause an investigation or other action to be taken as a result of the statement, report, or complaint.”<sup>29</sup> This offense is also a misdemeanor punishable by up to six months’ incarceration and a fine of up to \$500.<sup>30</sup>

Often, swatting incidents are motivated by bias.<sup>31</sup> Effective October 1, 2022, false statements that violate Section 9-501 of the Criminal Law Article that are “[m]otivated either in whole or

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<sup>27</sup> Md. Code Ann., Crim. Law § 9-503(a) (2002).

<sup>28</sup> *Id.*

<sup>29</sup> Md. Code Ann., Crim. Law § 9-501(a) (2022).

<sup>30</sup> Md. Code Ann., Crim. Law § 9-501(b) (2022).

<sup>31</sup> Grayson, *supra* note 5; ADL, *supra* note 1.

substantial part by another person's or group's race, color, religious beliefs, sexual orientation, gender, gender identity, disability or national origin, or because another person or group is homeless" constitute a felony hate crime punishable by up to 10 years' incarceration and a fine of up to \$10,000.<sup>32</sup> If, however, the bias-motivated false statement results in the death of the victim, the penalty is increased to a maximum sentence of 20 years' incarceration and a fine of up to \$20,000.<sup>33</sup>

In some instances, swatting may involve the false report of a destructive device. In those cases, that conduct likely amounts to the crime of making a false report involving a destructive device or toxic material, which is classified as a freestanding felony offense under Section 9-504 of the Criminal Law Article, and is punishable by up to 10 years' incarceration and a fine of up to \$10,000.

Although restitution is part of a criminal sentence,<sup>34</sup> Maryland's current restitution statute does not appear to give a governmental unit the ability to obtain restitution for the cost

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<sup>32</sup> Md. Code Ann., Crim. Law § 10-304(1)(iv), 2(i) (2022); Md. Code Ann., Crim. Law § 10-306(b)(1) (2022).

<sup>33</sup> Md. Code Ann., Crim. Law § 10-306(b)(2) (2022).

<sup>34</sup> *Chaney v. State*, 397 Md. 460, 470 (2007).

incurred in responding to a swatting incident. A governmental unit can only obtain restitution for expenses incurred “in removing, towing, transporting, preserving, storing, selling, or destroying an abandoned vehicle”—circumstances that are typically absent in a swatting-related incident.<sup>35</sup>

Read collectively, these statutes illustrate that, unless the false report is bias motivated or concerns a purported destructive device or toxic material, swatting constitutes only a misdemeanor offense punishable by up to six months’ incarceration and a \$500 fine with limited pecuniary risk.

## THE PURPOSE OF THE TASK FORCE

Senate Bill 881 created the “Task Force to Study the Practice Known as ‘Swatting’” (“Task Force”), which has been assigned three tasks. First, it is required to study the laws applicable to, and otherwise relating to, swatting.<sup>36</sup> Second, it is required to “make recommendations relating to legislative changes to prohibit” swatting.<sup>37</sup> Lastly, it must report its findings and

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<sup>35</sup> Md. Code Ann., Crim. Pro. § 11-603(a)(4) (2002).

<sup>36</sup> Senate Bill 881(f)(1) (2022).

<sup>37</sup> *Id.*

recommendations to the Governor and the General Assembly on or before June 1, 2023.<sup>38</sup>

## RECOMMENDATIONS

After studying the current laws pertaining to swatting, both nationwide and locally, it is the Task Force’s recommendation that Maryland enact a freestanding swatting-specific criminal prohibition.

Specifically, the offense should prohibit a person from making a “knowingly false report that is reasonably likely to cause a heightened emergency response from a law enforcement agency or other emergency responder,” with at least “reckless disregard of causing bodily harm to any individual as a direct result of an emergency response to the report.” By requiring a “knowingly false report,” the offense would exclude good Samaritans reporting crimes that they genuinely believe are occurring that, ultimately, turn out to be unfounded. This intent element further ensures that

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<sup>38</sup> *Id.*

the offense is not perceived as a strict liability offense, as strict liability offenses are generally disfavored in Maryland.<sup>39</sup>

The range of outcomes in swatting incidents is vast, and the penalties provided should reflect that reality. In some cases, no injury results, while in others, individuals are seriously injured or die.<sup>40</sup> If the knowingly false report results in death or serious bodily harm to another, the offense should be classified as a felony punishable by up to 10 years' imprisonment with a fine of up to \$20,000. All other swatting acts, i.e., those in which no death or serious bodily injury occurs, should be classified a misdemeanor punishable by up to three years' imprisonment and a fine of up to \$2,000. These proposed sentences are consistent with recent legislative trends, such as the Justice Reinvestment Act,<sup>41</sup> in that they eschew a mandatory minimum sentence.<sup>42</sup> These varied punishments, which differ based on the injury inflicted, resemble

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<sup>39</sup> See, e.g., *State v. McCallum*, 321 Md. 451, 456 (1991) (quoting *Dawkins v. State*, 313 Md. 638, 650 (1988)) (explaining that “the contemporary view disfavors strict liability offenses”) (ellipses omitted).

<sup>40</sup> ADL, *supra* note 1.

<sup>41</sup> 2016 Md. Laws ch. 515.

<sup>42</sup> Governor's Office of Crime Control & Prevention of Maryland, *Justice Reinvestment Initiative Fact Sheet*, <http://goccp.maryland.gov/wp-content/uploads/Maryland-Justice-Reinvestment-Initiative-Fact-Sheet.pdf>.

the type of scaled punishments used in the recently enacted hate crimes statute.<sup>43</sup>

The statute should indicate that the penalty for the freestanding swatting offense stands separate from any sentence imposed for an underlying offense. This can be achieved by including a provision that specifies that a sentence imposed under the freestanding swatting offense may be separate from and consecutive to or concurrent with a sentence for any crime based on the act establishing a violation the statute.

Because swatting incidents are often bias-based, the statute should include a cross-reference to the hate crimes statute, Section 9-501 of the Criminal Law Article.

Special consideration was given to potential juvenile offenders. If not diverted, by default, cases involving juveniles who commit an act that would constitute the crime of swatting will originate in the juvenile court. The swatting offense should not be listed among the offenses that divest the juvenile court of original jurisdiction.<sup>44</sup> Allowing swatting-based delinquent acts to

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<sup>43</sup> Md. Code Ann., Crim. Law § 10-306(b) (2022).

<sup>44</sup> Md. Code Ann., Cts. and Jud. Proc., § 3-8A-03(d)(2022).

originate in the juvenile court system accounts for children’s “lack of maturity” and “underdeveloped sense of responsibility, leading to recklessness, impulsivity, and heedless risk-taking.”<sup>45</sup> The juvenile system provides the flexibility needed to balance the objectives of securing the public’s safety, holding the child accountable, and assisting the child in becoming a responsible and productive member of society.<sup>46</sup> The possibility of diversion for juveniles may be expressly stated in the statute so as to indicate a preference for that course in cases where it is appropriate.

#### SWATTING-RELATED ISSUES: TDOS AND DDOS

The public voice network has likewise become the target of many attacks, including Telephony Denial of Service (TDoS) and Distributed Denial of Service (DDoS). TDoS attacks are attempts to make a telephone system unavailable to the intended user by preventing incoming and/or outgoing calls. This is accomplished when an attacker successfully consumes or “floods” all available telephone network resources, preventing legitimate incoming

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<sup>45</sup> *Montgomery v. Louisiana*, 577 U.S. 190, 207 (2016) (quoting *Miller v. Alabama*, 567 U.S. 460, 471 (2012)) (cleaned up).

<sup>46</sup> Md. Code Ann., Cts. and Jud. Proc. 3-8A-02(a) (2002) (specifying the purposes of the Juvenile Justice System).



and/or outgoing call transactions from processing.<sup>47</sup> Common targets of TDoS include emergency public-safety response systems such as Public Safety Answering Points (PSAPs)<sup>48</sup>, government entities, high-ranking officials, and law enforcement agencies. The objective of the attack is to make a significant number of calls and to keep those calls active for as long as possible, to overwhelm or at least “clog” all or a portion of the target’s voice system, which may delay or block genuine calls for service. The resulting increase in time for emergency services to respond may have dire consequences, including loss of life.

Manual TDoS attacks use calling campaigns within social networks to encourage individuals to flood a particular number. An automated attack often presents as a “robocall” (an automated telephone call) using a software application to make numerous calls simultaneously or in rapid succession, including Voice Over Internet Protocol (VoIP) and Session Initiation Protocol (SIP). TDoS attacks could also be used in conjunction with a physical

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<sup>47</sup> The Department of Homeland Security, Science and Technology (S&T) Directorate, *Telephony Denial of Service Fact Sheet*, (June 2016), [https://www.dhs.gov/sites/default/files/publications/508\\_FactSheet\\_DDSD\\_TDoS\\_One\\_Pager-Final\\_June\\_2016\\_0.pdf](https://www.dhs.gov/sites/default/files/publications/508_FactSheet_DDSD_TDoS_One_Pager-Final_June_2016_0.pdf).

<sup>48</sup> PSAPs are also known as “9-1-1 Centers” and “Emergency Communication Centers.”

attack, when calls to 911 and other emergency numbers would peak.<sup>49</sup> TDoS attacks may have a short duration or occur intermittently over several days. Occasionally, TDoS attacks are accidental, such as a mistake in a text message phishing (SMSishing) campaign that inadvertently directs respondents to call for emergency services.

A distributed denial-of-service (DDoS) attack is a malicious attempt to disrupt the normal traffic of a targeted server, service, or network by overwhelming the target or its surrounding infrastructure with a flood of Internet traffic. DDoS attacks occur when a bad actor uses resources from multiple, remote locations to disrupt an organization's online operations. Typically, DDoS attacks focus on generating destruction that manipulate the default, or even proper workings, of network equipment and services. Similar to social engineering manipulating the default workings of human communication, a DDoS attacker manipulates the ordinary workings of network services. A DDoS attack is like

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<sup>49</sup> FBI: Public Service Announcement, *Telephony Denial of Service Attacks Can Disrupt Emergency Call Center Operations*, (Feb. 17, 2021), <https://www.ic3.gov/Media/Y2021/PSA210217>.

an unexpected traffic jam clogging up the highway, preventing regular traffic from arriving at its destination.

DDoS attacks achieve effectiveness by utilizing multiple compromised computer systems as sources of attack traffic. Exploited machines can include computers and other networked resources, such as Internet of Things (IoT)<sup>50</sup> devices, infected with malware<sup>51</sup>, allowing them to be controlled remotely by an attacker. These individual devices are referred to as “bots”<sup>52</sup> (or “zombies”), and a group of bots is called a “botnet.” When a target’s server or network is pursued by the botnet, each bot sends requests to the target’s Internet Protocol (IP) address, causing a crippling interruption in one or more of its services because the attack has flooded their resources with Hypertext Transfer Protocol (HTTP) requests and traffic, denying access to legitimate users. Since each bot is a valid Internet device, separating the attack traffic from

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<sup>50</sup> “Internet of Things” is a catchall phrase for all the various Internet-connected devices and gadgets that are not traditional computers.

<sup>51</sup> Malware, a portmanteau from the words “malicious” and “software,” is a general term which can refer to viruses, worms, Trojans, ransomware, spyware, adware, and other types of harmful software. Malware needs to be intentionally malicious; any software that unintentionally causes harm is not considered to be malware.

<sup>52</sup> A “bot” is a software program that operates on the Internet and performs repetitive tasks.

normal traffic can be complicated and time consuming, proving to be a top cybersecurity threat amongst social engineering, ransomware, and supply chain attacks.

Another method of misusing the 911 system is Caller ID manipulation, also known as “spoofing.”<sup>53</sup> Caller ID spoofing is the process of changing the Caller ID to any number other than the actual calling number to disguise the number when making a phone call or sending a short message/messaging service (SMS) text. The number that displays on a Caller ID may look as though it’s coming from a government agency or business to entice the recipient to answer a call they would otherwise decline. Numbers and call attributes can be easily spoofed, making it difficult to differentiate legitimate calls from malicious ones.

In 2017, the Federal Communications Commission (FCC) gave phone companies greater authority to block these types of calls.<sup>54</sup> Service providers can now block additional calls that are likely spams, such as numbers that begin with a 911 area code.

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<sup>53</sup> FCC, *Caller ID Spoofing*, (Mar. 7, 2022), <https://www.fcc.gov/spoofing>.

<sup>54</sup> *In the Matter of Advanced Methods to Target and Eliminate Unlawful Robocalls*, GC Docket No. 17-59, Report and Order and Further Notice of Proposed Rulemaking, 17 FCC Red 151, para. 10 (2017).

Bad actors are also spoofing Caller IDs to display “911” and making calls informing individuals that a relative has been in an accident. Between the false number and startling news, scammers are hoping the targets will be frightened enough to share personal information. PSAPs will not make outbound calls unless they are called initially. In the event an individual is receiving a call from a PSAP, the Caller ID will display a seven-digit administrative phone number, or in some cases “restricted,” “unavailable” or “blocked.” If there is confusion or concern, the non-emergency number for the local police department may assist the call recipient in confirming if the incoming call is legitimate.

911 continues to be vulnerable to security issues which may saturate the network and prevent individuals from receiving timely service. With limited resources and the need to answer every call, PSAPs continue to be vulnerable to TDoS, DDoS, and Caller ID spoofing. Although there are TDoS and DDoS mitigation mechanisms specified in Next Generation 9-1-1 (NG9-1-1) standards, they are not widely deployed. Parallel to swatting efforts, it is necessary to update Maryland’s laws and increase penalties for these cyber and telephonic attacks.

## TASK FORCE MEMBERS

Meredith R. Weisel, Chair and Regional Director of the Anti-Defamation League

Senator Cheryl C. Kagan

Senator Edward R. Reilly

Senator Jeffrey D. Waldstreicher

Delegate J. Sandy Bartlett

Delegate Lesley J. Lopez

Delegate Rachel P. Muñoz

Sergeant Michael Richardson

Deputy State's Attorney Brian Marsh

Assistant Public Defender Roberto C. Martinez

Detective Brian Donahoe

Staff: Assistant Attorney General Karinna M. Rossi

Thank you to Karyn Henry, J.D., of Mission Critical Partners for her contribution.

# **SB340 Swatting Testimony GEB 2.17.23.pdf**

Uploaded by: Sen. Cheryl Kagan

Position: FAV

CHERYL C. KAGAN  
Legislative District 17  
Montgomery County

Vice Chair  
Education, Energy, and  
the Environment Committee

Joint Audit and Evaluation Committee  
Joint Committee on Federal Relations



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THE SENATE OF MARYLAND  
ANNAPOLIS, MARYLAND 21401

**SB340: Criminal Law - False Statements - Emergency or Commission of Crime  
(Anti-Swatting Act of 2023)**

Senate Judicial Proceedings Committee  
Tuesday, February 21, 2023 1pm

Emergency response agencies across America are reporting a crisis of “Swatting” incidents. According to the [Anti-Defamation League](#), “Swatting is the deliberate and malicious act of reporting a false violent crime or emergency to evoke an aggressive response from a law enforcement agency to a target location.” The dangerous practice threatens innocent people and wastes precious time and resources of our First Responders.

In response to an intentionally false report, SWAT teams race to stop what they believe is a serious and legitimate incident. Completely unaware of the allegations made against them, the victim may face armed law enforcement officers who are acting under the assumption of a life-or-death emergency. Swatting may result in injuries... and in some especially tragic cases, [death](#). More commonly, the Swatting victim may feel violated, humiliated, and have long-lasting psychological trauma.

From *The Washington Post*:

***“Prosecutors say police responded to the home of 28-year-old Andrew Finch on Dec. 28, 2017, after a caller falsely claimed to be inside with hostages and a gun — a style of prank known as “Swatting.” Finch, unaware of the false report, answered the door and was fatally shot on his porch by officers who had surrounded his home.”***

Among the most visible local cases was when Pulitzer Prize winning newspaper columnist Leonard Pitts, Jr. was falsely accused of murdering his wife in 2019. Pitts was in his Bowie home when [police showed up, ordered him to his knees, and handcuffed him](#). It was later disclosed by police that the 9-1-1 notification was false.

For four years, the Next Generation 9-1-1 Commission included the issue of Swatting in its work. Each year, the Commission strongly endorsed tougher penalties to create a disincentive to committing this dangerous crime.

Since then, the numbers have skyrocketed. Schools have become a common target. According to WIRED magazine, between September 13 and 30, 2022, there were [92 false reports of school shooting incidents in 16 states](#). According to an [Federal Bureau of Investigation \(FBI\) spokesperson](#), “The FBI is aware of numerous swatting incidents wherein a report of an active shooter at a school is made. The FBI takes swatting very seriously because it puts innocent people at risk and drains law enforcement resources.”

In 2022, Sen. Jeff Waldstreicher sponsored and passed [SB881](#), which ultimately created a statewide Task Force to investigate the issue of Swatting (as well as TDoS/DDoS, covered in this year’s [SB405](#)) and make legislative recommendations; the result is this bill. According to the Task Force, Maryland’s penalties are insufficient to deter



this serious crime. Currently, convicted individuals are subject to imprisonment up to 6 months and/or a fine of up to \$500.

[SB340](#) incorporates two Swatting-specific offenses that The Task Force recommended:

- If law enforcement is dispatched to a scene based on a false report, the criminal will face imprisonment for up to 3 years and/or a fine up to \$2,000; and
- If serious bodily injury (including death) occurs, the criminal will face imprisonment for up to 10 years and/or a fine up to \$20,000.

These offenses would be “freestanding,” meaning that the sentence may be separate from, consecutive to, or concurrent with a sentence imposed for an underlying offense. A cross-reference of the hate crimes statute would be included, since many “Swatting” incidents are racially or otherwise hate-motivated.

SB340 would allow a defendant to be charged, prosecuted, tried in:

- The County where the false statement complaint, or report was made;
- The County where the statement was received; or
- The County the claim was responded to.

Courts would be able to order the defendant to reimburse an individual who incurs damages as a result of the response to the false report, and the defendant would be held civilly liable as well.

SB340 would not create a strict liability offense, meaning there would not be punishments for someone who described an incident in good faith that turned out to be false.

When emergency response resources are wasted responding to a Swatting call, critical time is wasted that could be used to address a true emergency. Swatting, given the danger it poses, and its toll on life-saving resources, must be strongly disincentivized through increased penalties.

**I urge a favorable report on SB340.**

## **SB0340 - Ferretti.pdf**

Uploaded by: William Ferretti

Position: FAV



SB0340: Criminal Law – Public Safety – Communications With Public Safety  
Answering Points

Tuesday, February 21, 2023, 1:00 PM

My name is William Ferretti. I am a former 9-1-1 Director for Montgomery County. I also had the pleasure to serve on the Commission to Advance NG911 Across Maryland, first as a member of the Commission and then after my retirement from the County, as an advisor.

The delivery of Public Safety Services to the public is one of the most important functions of local government. Effective Public Safety responses to those in need start with the first of the first responders in Maryland's 9-1-1 centers. Unfortunately, we as a state and a country have to contend with the phenomena known as SWATTING- intentionally providing fake information through a 9-1-1 center or public safety agency in order to garner an elevated police response, usually in an attempt to get SWAT (Special Weapons and Tactics) teams to be sent to the address of an innocent person.

Current Maryland Criminal Law is insufficient to deter these acts that have the potential to lead to serious bodily injury, severe emotional distress, and even death of a person, whether that be to a first responder or member of the public.

I urge you to support SB0340 with a favorable recommendation.

A handwritten signature in dark ink, appearing to read 'William Ferretti', with a stylized flourish at the end.

William Ferretti



# **MCPA-MSA\_ SB-340-Swatting\_Support-with-amendments.**

Uploaded by: Andrea Mansfield

Position: FWA



# Maryland Chiefs of Police Association

## Maryland Sheriffs' Association



### MEMORANDUM

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

FROM: Darren Popkin, Executive Director, MCPA-MSA Joint Legislative Committee  
Andrea Mansfield, Representative, MCPA-MSA Joint Legislative Committee  
Natasha Mehu, Representative, MCPA-MSA Joint Legislative Committee

DATE: February 21, 2023

RE: **SB 340 – Criminal Law – False Statements – Emergency or Commission of Crime**

POSITION: **SUPPORT WITH AMENDMENTS**

The Maryland Chiefs of Police Association (MCPA) and the Maryland Sheriffs' Association (MSA) **SUPPORT SB 340 WITH AMENDMENTS**. This bill prohibits what is referred to as swatting. Swatting is the act of deceiving a law enforcement officer or other emergency personnel into sending response teams to another person's address.

MCPA and MSA appreciate the sponsor's intent and support 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 340 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 340 WITH AMENDMENTS** and requests the language that applies to juveniles be struck from the bill.

## **SB 340 - FAV With Amendments - Women's Law Center.**

Uploaded by: Laure Ruth

Position: FWA

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BILL NO: Senate Bill 340  
TITLE: Criminal Law – False Statements – Emergency of Commission of Crime  
(Antiswatting Act of 2023)  
COMMITTEE: Judiciary  
HEARING DATE: February 21, 2023  
POSITION: **SUPPORT WITH AMENDMENTS**

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Senate Bill 340 prohibits a person from knowingly making a false statement, report, or complaint of an emergency or alleged commission of a crime to a government emergency responder with reckless disregard of causing bodily harm to an individual as a direct result of a response to the statement. Any person found guilty of this violation faces criminal penalties and is civilly liable to any individual who is injured as a result of the violation. Additionally, a court may order a person found guilty of this violation to reimburse any individual who incurs damages as a proximate result out of lawful conduct arising out of the false statement or complaint.

Senate Bill 340 is trying to address behavior that should not be condoned. There seem to be two kinds of acts it is addressing. First, sometimes a person engages in swatting, defined as “a criminal harassment tactic of deceiving an emergency service [...] into sending a police and emergency service response team to another person's address” (Wikipedia, last viewed 2/17/2023). Second, there are calls made that have simply no basis – there is no criminal activity even being alleged, the person is doing nothing wrong or illegal; rather, the caller just doesn’t like them, doesn’t want them around, or wants to get them into trouble. The cost to a person if this happens to them can be terrible. Also egregious is the caller using law enforcement, a vital public service, for no good means, perhaps limiting law enforcement’s ability to respond to a valid call.

However, we have grave concerns of any chilling effect to victims of intimate partner violence or sexual assault. Abuse victims may already face criminal charges for reports of abuse made in good faith<sup>1</sup>. This can happen for many reasons: if law enforcement incorrectly determines the report to be false or if a victim withdraws the complaint or does not wish to proceed with criminal charges against their abuser. Similarly, we do not want to chill Good Samaritan type calls, e.g., neighbors of someone experiencing violence in their home. Imagine a neighbor hearing what sounds like someone being abused in the apartment next door. The neighbor calls the police. Perhaps the victim decides not to implicate the abuser and does not pursue either a civil protective order or criminal charges against their abuser. The abuser might then seek to sue the neighbor for damages. We see, too often, abusers suing their victims in tort, so this is a very real possible unintended consequence of this bill. We hope there is a way to protect callers in these cases.

The Women’s Law Center (WLC) supports this bill with amendments to make clear that cases where domestic violence or other interpersonal crimes may be being committed are excluded or considered in a more specific way. Last year’s iteration of this bill, House Bill 1131, carved out this very type of exception. HB 1131 established, “an exception in certain cases where a person who alleges to have been a victim of abuse requests the help of a police officer.” The bill further explained that the penalties did, “not apply to a person who requests help from a police officer in accordance with §4-502 of the Family Law Article.”

We understand the need for this important legislation, especially in light of the growing number of calls made throughout the country to emergency responders with false statements of an active shooter or bomb threat<sup>2</sup>. However, we are wary of unintended consequences for the people we represent and others trying

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<sup>1</sup> <https://msmagazine.com/2022/11/28/darvo-deny-attack-blame-prosecution-women-report-rape/>

<sup>2</sup> <https://www.npr.org/2022/10/07/1127242702/false-calls-about-active-shooters-at-schools-are-up-why>

in good faith to assist them. Therefore, the Women's Law Center of Maryland, Inc. urges a favorable report on Senate Bill 340 with amendments.

*The Women's Law Center of Maryland is a private, non-profit legal services organization that serves as a leading voice for justice and fairness for women. It advocates for the rights of women through legal representation for individuals and statewide advocacy to achieve systemic change.*



# **SB 340 AntiSwat MOPD Unfav (1).pdf**

Uploaded by: Natasha Khalfani

Position: UNF



**NATASHA DARTIGUE**  
PUBLIC DEFENDER

**KEITH LOTRIDGE**  
DEPUTY PUBLIC DEFENDER

**MELISSA ROTHSTEIN**  
CHIEF OF EXTERNAL AFFAIRS

**ELIZABETH HILLIARD**  
ACTING DIRECTOR OF GOVERNMENT RELATIONS

### **POSITION ON PROPOSED LEGISLATION**

**BILL: Senate Bill 340 Criminal Law - False Statements - Emergency or Commission of Crime  
(Antiswatting Act of 2023)**

**FROM: Maryland Office of the Public Defender**

**POSITION: Unfavorable**

**DATE: 02/20/2023**

**The Maryland Office of the Public Defender respectfully requests that the Committee issue an unfavorable report on Senate Bill 340.**

From the year 1990 to 2017 there was a 450% increase in the term swatting used in books and media.<sup>1</sup> This spike in use is directly linked to the prevalence of online live streams as well as increased internet access, allowing more people access to others' home addresses and workplaces. As more private, personal information became available about people online, especially famous or political figures, a new form of "prank call" became available, "Swatting". The person who is initiating the "swatting" will call the local law enforcement agencies saying there is a threat of an active shooter and or bomb which needs immediate police attention. This would result in the victim of the call as well as law enforcement being put into a situation of extreme stress and danger as both of them have no idea what is going on. In some high-profile cases such as a 2017 Wichita incident, an argument carried over an online video game chat service between two men led to an innocent third party having the cops sent to his house, which escalated to the man being shot on his front steps.<sup>2</sup>

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<sup>1</sup> [https://books.google.com/ngrams/graph?content=swatting%2Cdoxing&year\\_start=1990&year\\_end=2019&corpus=26&smoothing=3](https://books.google.com/ngrams/graph?content=swatting%2Cdoxing&year_start=1990&year_end=2019&corpus=26&smoothing=3)

<sup>2</sup> <https://www.cbsnews.com/news/swatting-suspect-tyler-barriss-false-alarm-charge/>

While events such as these illustrate the threat to public safety that these “swatting” cases pose, it also illustrates the ineffectiveness of our proposed legislation. In this scenario, as well as many similar situations, the people who called the swat team to the victim’s house didn’t live in the same state as the victim. If this was to happen in Maryland the Task’s forces proposed bill wouldn’t be able to hold the parties responsible as it would fall under federal jurisdiction.

### **Ineffectiveness**

The bill as currently proposed is ineffective. We already have avenues of prosecution to address issues of swatting. Currently, our laws we have crimes against False statements - To law enforcement officers, False statements - To Public Official Concerning Crime or Hazard, as well as False Statement – Destructive Device or Toxic Material. All three of these laws have clearly established an avenue of prosecution that allows the parties who are responsible for the swatting to be properly held accountable. In cases in which swatters target religious or racial groups, in the form of bomb treats or public safety threats, there are additional laws to hold them accountable. The same can be said to protect students in school.

With all of this current legislation, the only use of this newly proposed bill would be for public perception, rather than effective change. To truly make a difference that would help improve public safety, we should look at more comprehensive approaches such as the one Seattle has implemented. Rather than attempt to deter swatting by adding more laws, which to this point hasn’t been effective, we should focus the task’s force's efforts into training police departments and 911 operators to detect potentially fake calls. The Seattle police department has instilled two such measures that have helped combat swatting against public figures.<sup>3</sup> One of the methods is an opt-in program so known public political and celebrity figures can register their addresses so that operators are warned that this might be a potential swatting incident. This has been proven to be a much more effective method to prevent swatting as it acts as an immediate step to provide everyone involved with more crucial information. The dispatcher will still send officers to the scene prepared to deal with an extreme situation but they will be more

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<sup>3</sup> <https://www.nbcnews.com/news/all/trolls-turned-911-weapon-now-cops-are-fighting-back-n1105991>

prepared on what to expect. Officers who respond to these calls are given more information which leads to a more calm situation.

### **Protect Kids**

One of the major reasons that OPD doesn't support this new legislation is the unintended consequences it will have when it comes to prosecuting kids. In almost all of the high profile swatting incidents, the offense is either an out of state or out of country actor. This would render Senate Bill 340 useless against many actors, except perhaps kids, who would be most likely to be caught acting in state because they would be least likely to be able to thwart investigation.

We already have adequate punishments that hold kids responsible but still acknowledges that they are children, such as for attacks targeting schools, MD Code, Education, § 26-101 Disturbing activities at school or college; molesting or threatening students. By passing this new anti-swatting bill prosecutors are likely to stretch the already shaky swatting definition to include cases like the one mentioned above. This is why the OPD strongly advises that more proactive measures are taken to protect the public from swatting rather than introduce a new law that criminalizes things that are already illegal.

**For these reasons, the Maryland Office of the Public Defender urges this Committee to issue an unfavorable report on Senate Bill 340.**

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**Submitted by: Maryland Office of the Public Defender, Government Relations Division.**