



Maryland General Assembly
Senate Judicial Proceedings Committee
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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.