
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**

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 faith¹. 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 threat². However, we are wary of unintended consequences for the people we represent and others trying

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

² <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.