

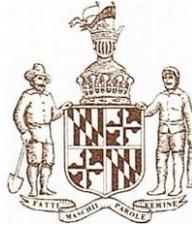
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Operations Committee

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Public Health and Minority
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THE MARYLAND HOUSE OF DELEGATES

ANNAPOLIS, MARYLAND 21401

February 23, 2023

SUPPORT HB0745

CRIMINAL LAW – FALSE STATEMENTS – EMERGENCY OR COMMISSION OF CRIME (ANTISWATTING ACT OF 2023)

Chairman Clippinger, Vice-Chairman Moon, and Members of the Committee,

HB0745 prohibits a person from deliberately making or causing to be made false statements, reports, or complaints to government emergency report recipient entities with reckless disregard of causing bodily harm. This statutory reform has been needed for some time and was one of the recommendations of the Next Generation 9-1-1 Commission.

Several bills have been introduced in recent sessions proposing how best to address the seriousness of the offense while allowing for the possibility that not every inappropriate or false mobilization of emergency service response is a result of malintent. Following the 2022 Session, a workgroup was formed to purposefully examine the how best to address swatting, as well as related but separate abuses of emergency services, Telephone Denial of Service (TDoS) - a large volume of calls with the aim of overwhelming the public service response system and disrupting services, and Distributed Denial of Service (DDoS)- a large volume of electronic traffic maliciously aimed at overwhelming a PSAP site and disrupting its service. **HB745** is one of two bills arising from that work.

HB745 bill adds swatting of Public Safety Answering Points (PSAPs or 9-1-1 operator answering centers) to the list of criminal offences that can be undertaken via telephone, computer, and data technology, defining it as a felony and raising associated penalties. This year's legislation differs from legislation introduced in past Sessions by tightening definitions to avoid criminalizing behavior considered unintentional or otherwise innocent, and by separating it from legislation designed to address TDoS and DDoS.

Under HB745,

- Violators are guilty of a misdemeanor, punishable by imprisonment for up to three years and/or a fine of up to \$2,000.
- If the false report response results proximately in serious physical injury, severe emotional distress, or death, a violator is guilty of a felony, punishable by imprisonment for up to 10 years and/or up to \$20,000.
- If the violator is found guilty under the hate crime statute, the sentence imposed for the hate crime must run concurrently.
- A violator may be held civilly liable to any individual who incurs damages as a proximate result of the false report
- For first-time juvenile violators, it is a civil offense subject to the
- procedures and dispositions statutory provisions for juvenile cases, and they may not be committed to the Department of Juvenile Services for out-of-home placement if false report is the most serious offense of which they are guilty.

Even when the stated intent of swatting is as a prank, at a minimum it results in misuse of public resources and, at the extreme, can result in property damage, serious bodily or psychological injury and even death. The risks for injury and death are not limited to the target and the responding emergency personnel. It also presents risks to the public at-large, including persons along the emergency response route, those near the site of the response–target interaction, and those experiencing true emergencies from which resources have been diverted. Public safety professionals attest that these are not rare events but are largely kept out of the public eye to mitigate copycat activity. One event is too many if it results in an unnecessary, life-altering, devastating outcome.

HB0745 strikes the necessary balance with differentiation of penalties that parallel the severity of the offense and the potential and resulting injury and damages. To better protect the public and emergency responders, and to minimize misuse of valued public resources, I request a favorable report.

A handwritten signature in black ink, appearing to be "D. J. ...", written in a cursive style.