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

House Judiciary Committee  
Thursday, March 30, 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 often results in injuries... and in some especially cases, [death](#). Moreover, the Swatting victim is left violated, humiliated, and with potentially 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.

SB340 passed the Senate **unanimously** on March 17. The cross-file, HB745, passed the House **unanimously** on March 14.

The Senate bill includes an amendment to remove “severe emotional distress” to a victim from injuries that qualify a sentencing upgrade of a swatting crime to a felony.

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