

Department of Legislative Services  
Maryland General Assembly  
2020 Session

FISCAL AND POLICY NOTE  
First Reader

Senate Bill 635 (Senator Waldstreicher)  
Judicial Proceedings

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**Criminal Law - False Statements - Emergency or Commission of Crime**

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This 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 as a result of a violation; (3) contains venue-related provisions; and (4) authorizes court-ordered reimbursement of law enforcement entities and individuals who incur damages because of a response to a prohibited false statement. The bill contains a severability clause specifying that the invalidity of any provision in or application of the bill does not affect the validity of any other provision or application.

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**Fiscal Summary**

**State Effect:** Potential minimal increase in State revenues and expenditures due to the bill’s penalty provisions. Potential minimal decrease in general fund expenditures if State law enforcement is reimbursed under the bill.

**Local Effect:** Potential minimal increase in local government revenues and expenditures due to the bill’s penalty provisions. Potential minimal decrease in local expenditures if local law enforcement is reimbursed under the bill.

**Small Business Effect:** None.

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**Analysis**

**Bill Summary:** A person may not make or cause to be made a statement, report, or complaint of an emergency or alleging the commission of a crime that the person knows to

be false 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 statement, report, or complaint.

A “government emergency report recipient” is (1) a peace officer; (2) a police agency of the State or a unit of local government; (3) a person involved in the operation of a public safety answering point; or (4) any other government employee or contractor who is authorized to receive reports of a crime or an emergency.

The bill establishes the following maximum penalties for violations:

- general violation – misdemeanor, 6 months imprisonment and/or a \$500 fine;
- violation involving allegation of commission of a felony – felony, 5 years imprisonment or a \$10,000 fine;
- violation resulting in a response from law enforcement and a physical injury to a person as a proximate result of lawful conduct arising out of that response – felony, 10 years imprisonment or a \$20,000 fine; and
- violation resulting in the death of or serious bodily injury to a person as a proximate result of lawful conduct arising out of law enforcement’s response – felony; 20 years imprisonment or a \$40,000 fine.

A first-time violator younger than age 18 is guilty of a civil offense and subject to the appropriate juvenile court proceedings. A minor may not be committed to the Department of Juvenile Services for out-of-home placement if the minor’s most serious offense is a first-time violation for making a false statement, report, or complaint of an emergency or crime.

In addition to any other penalty imposed, a court may order the violator to reimburse any law enforcement entity that incurs expenses in responding to the specific prohibited statements or any individual who incurs damages as a proximate cause of lawful conduct arising out of the response to the specific prohibited statements.

**Current Law:** Section 9-503 of the Criminal Law Article generally prohibits a person from making or causing to be made a false statement to a public official concerning the commission of a crime or the existence of a condition that is imminently dangerous to public safety or health, with the intent that the claim be investigated or acted upon. A violator is guilty of a misdemeanor, subject to imprisonment for up to six months and/or a \$500 maximum fine. Section 9-504 of the Criminal Law Article prohibits false statements related to destructive devices or toxic materials. Section 9-501 of the Criminal Law Article contains a general prohibition on making a false statement to a law enforcement officer.

**Background:** “Swatting” is an abuse of the emergency response system that involves deceiving emergency services personnel (typically, the Special Weapons and Tactics (SWAT) team) with false or completely fabricated threats of violence in order to draw the attention of law enforcement to a location, sometimes with deadly consequences for the subject of the prank.

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### **Additional Information**

**Prior Introductions:** None.

**Designated Cross File:** HB 960 (Delegate Shetty, *et al.*) - Judiciary.

**Information Source(s):** Maryland Institute for Emergency Medical Services Systems; Baltimore City; Howard, Montgomery, and Prince George’s counties; City of Bowie; Maryland State Commission on Criminal Sentencing Policy; Judiciary (Administrative Office of the Courts); Office of the Public Defender; Department of Juvenile Services; Department of Natural Resources; Department of Public Safety and Correctional Services; Department of State Police; Maryland Department of Transportation; CNN.com; Department of Legislative Services

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