

SENATE BILL 340

E1

3lr1069
CF HB 745

By: **Senators Kagan and Waldstreicher**

Introduced and read first time: January 30, 2023

Assigned to: Judicial Proceedings

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 8, 2023

CHAPTER _____

1 AN ACT concerning

2 **Criminal Law – False Statements – Emergency or Commission of Crime**
3 **(Antiswatting Act of 2023)**

4 FOR the purpose of prohibiting a person from making or causing to be made a false
5 statement, report, or complaint to a governmental emergency report recipient with
6 reckless disregard of causing bodily harm; providing that a person who violates this
7 Act is civilly liable to an individual harmed by the violation; and generally relating
8 to crimes involving the making of false statements.

9 BY repealing and reenacting, with amendments,
10 Article – Courts and Judicial Proceedings
11 Section 3–8A–19(d)(3)
12 Annotated Code of Maryland
13 (2020 Replacement Volume and 2022 Supplement)

14 BY adding to
15 Article – Criminal Law
16 Section 9–501.1
17 Annotated Code of Maryland
18 (2021 Replacement Volume and 2022 Supplement)

19 BY repealing and reenacting, with amendments,
20 Article – Criminal Law
21 Section 10–307
22 Annotated Code of Maryland

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



(2021 Replacement Volume and 2022 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
That the Laws of Maryland read as follows:

Article – Courts and Judicial Proceedings

3–8A–19.

(d) (3) (i) A child may not be committed to the Department of Juvenile Services for out-of-home placement if the most serious offense is:

1. Possession of cannabis under § 5–601(c)(2)(ii) of the Criminal Law Article;

2. An offense that would be a misdemeanor if committed by an adult, unless the offense involves a firearm; [or]

3. A technical violation, as defined in § 3–8A–19.6 of this subtitle; **OR**

4. A FIRST-TIME VIOLATION FOR MAKING A FALSE STATEMENT, REPORT, OR COMPLAINT OF AN EMERGENCY OR A CRIME UNDER § 9–501.1 OF THE CRIMINAL LAW ARTICLE.

(ii) This paragraph may not be construed to prohibit the court from committing the child to another appropriate agency.

Article – Criminal Law

9–501.1.

(A) (1) **IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.**

(2) **“EMERGENCY” MEANS A CONDITION THAT:**

(I) **POSES AN IMMINENT THREAT TO PUBLIC SAFETY; AND**

(II) **RESULTS IN, OR IS LIKELY TO RESULT IN:**

1. **THE RESPONSE OF A PUBLIC OFFICIAL; OR**

2. **THE EVACUATION OF AN AREA, A BUILDING, A STRUCTURE, A VEHICLE, OR ANY OTHER PLACE.**

1 **(3) “GOVERNMENTAL EMERGENCY REPORT RECIPIENT” MEANS:**

2 **(I) A PEACE OFFICER;**

3 **(II) A POLICE AGENCY OF THE STATE OR A UNIT OF LOCAL**
4 **GOVERNMENT;**

5 **(III) A PERSON INVOLVED IN THE OPERATION OF A PUBLIC**
6 **SAFETY ANSWERING POINT, AS DEFINED IN § 1-301 OF THE PUBLIC SAFETY**
7 **ARTICLE; OR**

8 **(IV) ANY OTHER GOVERNMENT EMPLOYEE OR CONTRACTOR**
9 **WHO IS AUTHORIZED TO RECEIVE REPORTS OF A CRIME OR AN EMERGENCY.**

10 **(B) (1) A PERSON MAY NOT MAKE, OR CAUSE TO BE MADE, A STATEMENT,**
11 **REPORT, OR COMPLAINT OF AN EMERGENCY OR ALLEGING THE COMMISSION OF A**
12 **CRIME THAT THE PERSON KNOWS TO BE FALSE AS A WHOLE OR IN MATERIAL PART**
13 **TO A GOVERNMENTAL EMERGENCY REPORT RECIPIENT WITH RECKLESS DISREGARD**
14 **OF CAUSING BODILY HARM TO AN INDIVIDUAL AS A DIRECT RESULT OF A RESPONSE**
15 **TO THE STATEMENT, REPORT, OR COMPLAINT.**

16 **(2) A PERSON MAY NOT VIOLATE PARAGRAPH (1) OF THIS**
17 **SUBSECTION BY MAKING A FALSE STATEMENT, REPORT, OR COMPLAINT ALLEGING**
18 **THE COMMISSION OF A CRIME IF THE RESULT OF THE STATEMENT, REPORT, OR**
19 **COMPLAINT IS A RESPONSE FROM LAW ENFORCEMENT AND SERIOUS PHYSICAL**
20 **INJURY ~~OR SEVERE EMOTIONAL DISTRESS~~ TO A PERSON OR THE DEATH OF A PERSON**
21 **AS A PROXIMATE RESULT OF LAWFUL CONDUCT ARISING OUT OF THE RESPONSE.**

22 **(C) (1) EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION, A**
23 **PERSON WHO VIOLATES SUBSECTION (B)(1) OF THIS SECTION IS GUILTY OF A**
24 **MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT**
25 **EXCEEDING 3 YEARS OR A FINE NOT EXCEEDING \$2,000 OR BOTH.**

26 **(2) EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION, A**
27 **PERSON WHO VIOLATES SUBSECTION (B)(2) OF THIS SECTION IS GUILTY OF A**
28 **FELONY AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 10**
29 **YEARS OR A FINE NOT EXCEEDING \$20,000 OR BOTH.**

30 **(3) A FIRST-TIME VIOLATION OF THIS SECTION BY A MINOR IS A CIVIL**
31 **OFFENSE SUBJECT TO THE PROCEDURES AND DISPOSITIONS PROVIDED IN TITLE 3,**
32 **SUBTITLE 8A OF THE COURTS ARTICLE.**

33 **(4) IN ADDITION TO ANY OTHER PENALTY PROVIDED IN THIS**
34 **SUBSECTION, A COURT, IN IMPOSING A SENTENCE ON A PERSON CONVICTED OF**

1 VIOLATING THIS SECTION, MAY ORDER THE PERSON TO REIMBURSE ANY
2 INDIVIDUAL WHO INCURS DAMAGES AS A PROXIMATE RESULT OF LAWFUL CONDUCT
3 ARISING OUT OF THE RESPONSE TO THE STATEMENT, REPORT, OR COMPLAINT.

4 (D) A PERSON WHO VIOLATES THIS SECTION MAY BE CHARGED,
5 PROSECUTED, TRIED, AND CONVICTED IN:

6 (1) THE COUNTY WHERE THE DEFENDANT MADE THE FALSE
7 STATEMENT, REPORT, OR COMPLAINT;

8 (2) THE COUNTY IN WHICH THE STATEMENT, REPORT, OR COMPLAINT
9 WAS RECEIVED BY A GOVERNMENTAL EMERGENCY REPORT RECIPIENT; OR

10 (3) THE COUNTY IN WHICH A GOVERNMENTAL EMERGENCY REPORT
11 RECIPIENT RESPONDED TO THE STATEMENT, REPORT, OR COMPLAINT.

12 (E) IN ADDITION TO ANY PENALTIES UNDER SUBSECTION (C) OF THIS
13 SECTION, A PERSON WHO VIOLATES THIS SECTION IS CIVILLY LIABLE TO ANY
14 INDIVIDUAL WHO IS INJURED AS A RESULT OF THE VIOLATION.

15 (F) THIS SECTION MAY NOT BE CONSTRUED TO CONFLICT WITH 47 U.S.C. §
16 230 OR 42 U.S.C. § 1983.

17 10–307.

18 (A) [A] EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, A
19 sentence imposed under this subtitle may be separate from and consecutive to or concurrent
20 with a sentence for any crime based on the act establishing the violation of this subtitle.

21 (B) IF A PERSON IS CONVICTED OF A VIOLATION OF § 10–304(1)(I) OF THIS
22 SUBTITLE BASED ON A VIOLATION OF § 9–501.1 OF THIS ARTICLE, A SENTENCE
23 IMPOSED UNDER THIS SUBTITLE SHALL BE CONCURRENT WITH A SENTENCE
24 IMPOSED UNDER § 9–501.1 OF THIS ARTICLE.

25 SECTION 2. AND BE IT FURTHER ENACTED, That, if any provision of this Act or
26 the application thereof to any person or circumstance is held invalid for any reason in a
27 court of competent jurisdiction, the invalidity does not affect other provisions or any other
28 application of this Act that can be given effect without the invalid provision or application,
29 and for this purpose the provisions of this Act are declared severable.

30 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
31 October 1, 2023.