

# **CommonSenseMedia\_FAV\_SB635**

Uploaded by: jerome, joseph

Position: FAV



March 2, 2020

Chair William C. Smith, Jr.  
Judicial Proceedings Committee  
2 East, Miller Senate Office Building  
Annapolis, Maryland 21401

**RE: SUPPORT SB 635 (Anti-Swatting Proposal)**

Dear Chair Smith and Members of the Committee:

Common Sense Media, and its policy arm Common Sense Kids Action (together, "Common Sense"), write to encourage your consideration of SB 635. We strongly support this legislation, which combats deadly "swatting" pranks.

Swatting entails calling in fake police tips to an attempt to send a SWAT team or other emergency responders to an individual's home.<sup>1</sup> It is a growing problem. The FBI estimates that there are 400 attacks per year, and can cost \$10,000-\$25,000 for each emergency response.<sup>2</sup> Swatting can have serious and deadly consequences. In Maryland, more than 40 officers on a tactical team swarmed a residence in Howard County, and shot the swatting victim with rubber bullets in the chest and face, requiring multiple reconstructive surgeries.<sup>3</sup>

While the perpetrator of this crime was caught, often swatters get away with their serious pranks. New technological advances have made it harder to trace spoofed phone numbers, and it can be difficult and time-consuming to catch swatters.<sup>4</sup> These challenges warrant the increased criminal penalties, including jail time and fines, included in SB 635.

The victims and perpetrators of these crimes are often minors. One sixteen year old streaming themselves playing video games on the Twitch platform was surprised by police.<sup>5</sup> Importantly, SB

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<sup>1</sup> A Survival Guide to Teens' Digital Lingo (Dec. 8, 2016),

<https://www.common sense.org/education/articles/a-survival-guide-to-teens-digital-lingo>.

<sup>2</sup> Adrienne Jeffries, *Meet 'swatting,' the dangerous prank that could get someone killed*, The Verge (Apr. 23, 2013), <https://www.theverge.com/2013/4/23/4253014/swatting-911-prank-wont-stop-hackers-celebrities>; Katherine Burgess, *Swatting is 'a potentially deadly crime' that's become 'extraordinarily common'*, Wichita Eagle (Dec. 29, 2017), <https://www.kansas.com/news/local/article192152254.html>.

<sup>3</sup> AP, *Maryland man gets 2 years after swatting that injured victim* (Jan. 18, 2018),

<https://www.seattletimes.com/nation-world/maryland-man-gets-2-years-after-swatting-that-injured-victim/>.

<sup>4</sup> Jason Fagone, *The Serial Swatter*, N.Y. Times (Nov. 24, 2015),

[https://www.nytimes.com/2015/11/29/magazine/the-serial-swatter.html?\\_r=0](https://www.nytimes.com/2015/11/29/magazine/the-serial-swatter.html?_r=0).

<sup>5</sup> Alyssa Newcomb, *Twitch's wild weekend highlights the risks of 'unpredictable' game streaming platforms*, NBC News (Aug. 14, 2019),

<https://www.nbcnews.com/business/business-news/twitch-s-wild-weekend-highlights-risks-unpredictable-game-streaming-platforms-n1042346>.



635 provides that a first-time violator who is a minor is guilty of a civil offense and subject to proceedings in juvenile court.

We encourage passage of SB 635.

Please do not hesitate to reach out with any questions to 563.940.3296 or via email at [jjerome@commonsense.org](mailto:jjerome@commonsense.org).

Sincerely,  
Joseph Jerome  
Multistate Policy Director

# **MeredithWeisel\_FAV\_SB635**

Uploaded by: Weisel, Meredith

Position: FAV



**Maryland General Assembly  
Senate Judicial Proceedings Committee  
House of Delegates Judiciary Committee  
March 3, 2020**

Testimony of Doron F. Ezickson and Meredith R. Weisel  
ADL Vice President, Mid-Atlantic/Midwest Division  
ADL Washington D.C. Senior Associate Regional Director

ADL (the Anti-Defamation League) is pleased to submit this testimony in support of *Criminal Law - False Statements - Emergency or Commission of Crime*, S.B. 635 (Sen. Waldstreicher); H.B. 960 (Del. Shetty).

**ADL (the Anti-Defamation League)**

Since 1913, the mission of ADL has been to “stop the defamation of the Jewish people and to secure justice and fair treatment for all.” Dedicated to combating anti-Semitism, prejudice, and bigotry of all kinds, as well as defending democratic ideals and promoting civil rights, ADL has been recognized as a leading resource on effective responses to violent bigotry, conducting an annual *Audit of Anti-Semitic Incidents* and drafting model hate crime statutes for state legislatures. We were also privileged to lead a broad coalition of civil rights, religious, educational, professional, law enforcement, and civic organizations for more than a decade in support of the 2009 Matthew Shepard and James Byrd Jr. Hate Crimes Prevention Act (HCPA).

ADL is also a leading provider of anti-bias education and bullying prevention programs in K-12 schools and on college campuses. For over three decades, ADL has provided in-person programs through A World of Difference Institute, where PreK-12 educators, school faculty, students and family members explore identity and culture and learn to recognize and examine their own personal biases so they are more likely to challenge bias in themselves and society at large. In our region, which covers Maryland, the District of Columbia, Virginia, and North Carolina, we have worked with over 100 schools through our No Place for Hate program and the A World of Difference Institute to help foster inclusive school climates for students, teachers, and administrators of all backgrounds.

ADL is also a trailblazer in fighting hate online. ADL’s Center for Technology and Society (CTS) designs and builds innovative products and engages in research and advocacy to combat online hate, whether it lives out in the open or hides in the far corners of the web. From cyberbullying to civil rights abuses to extremist threats, CTS works with civil society, government, and technology companies to ensure that platforms become safe, respectful, and inclusive spaces for all people.

## **Impact of Hate Online**

In addition to the surge of hate crimes in our communities, the growth of online hate and harassment targeting marginalized groups is a trend that deserves action by policymakers. According to a recent national ADL study, 37 percent of Americans experienced several online hate and harassment in 2019 compared to 18 percent in 2018. Of individuals surveyed who experienced any type of online hate, 63 percent of those who identified as LGBTQ+ said they experienced harassment online because of their identity, followed by 35 percent of Muslims, 30 percent of Latinos, 27 percent of African Americans, 24 percent of women, 20 percent of Asian Americans, and 16 percent of Jews. All Maryland residents have a stake in effective responses to hate online.

## **Swatting**

We must do more to ensure we are protecting vulnerable groups against actions of online hate and harassment as well as its consequences on the ground. Such actions include the emerging threat of swatting. Swatting is the malicious act of creating a 911 hoax typically involving hostages, gunfire, or other acts of extreme violence, with the goal of sending emergency responders to the target's residence or place of work. The outcome of swatting is none other than to weaponize emergency response systems to harass and intimidate innocent individuals. This dangerous conduct has resulted in physical and psychological injuries—including at least one death—to direct targets as well as unintended victims.

Swatting is costly, hazardous and causes trauma and serious harm to individuals and to our communities. Swatting has happened across Maryland, resulting in a grave misuse of government emergency response resources, serious bodily harm to targets, and severe emotional distress to victims. And yet, the law in Maryland has not kept pace. Maryland does not currently have a swatting-specific law on the books. S.B. 635 and H.B. 960 seeks to address this problem by holding swatting perpetrators responsible, empowering victims, and establishing sentencing guidelines that reflect the severity of these incidents and can deter future incidents.

## **Recommendation**

For these reasons, ADL recommends S.B. 635 and H.B. 960 are enacted to address swatting in Maryland State law. If passed, this law would prohibit a person from making emergency reports with reckless disregard of causing bodily harm to an individual as a direct result of a hoax swatting call. It would also establish appropriate penalties for a violation of the Act and permit the target of swatting to bring a civil action against the offender. This bill not only gives prosecutors the tools to address the serious act of swatting, but also empowers victims of protected communities.

**We urge the Senate Judicial Proceedings Committee and House Judiciary Committee to enact S.B. 635 and H.B. 960.**

**MCPA-MSA\_FWA\_SB 635**

Uploaded by: Morris, Chief Dave

Position: FWA



# Maryland Chiefs of Police Association Maryland Sheriffs' Association



## MEMORANDUM

**TO:** The Honorable William C. Smith Jr. Chairman and  
Members of the Judicial Proceedings Committee

**FROM:** Chief David Morris, Co-Chair, MCPA, Joint Legislative Committee  
Sheriff Darren Popkin, Co-Chair, MSA, Joint Legislative Committee  
Andrea Mansfield, Representative, MCPA-MSA Joint Legislative Committee

**DATE:** March 3, 2020

**RE:** **SB 635 – Criminal Law – False Statements – Emergency or Commission of Crime**

**POSITION: SUPPORT WITH AMENDMENTS**

The Maryland Chiefs of Police Association (MCPA) and the Maryland Sheriffs' Association (MSA) **SUPPORT SB 635 WITH AMENDMENTS**. This bill prohibits what is referred to as swatting. Swatting is the act of deceiving law enforcement officer or other emergency personnel into sending response teams to another person's address.

MCPA and MSA appreciates the sponsor's intent and supports the bill to prevent false emergency calls that place responding officers and communities at risk. However, both organizations are concerned with the language giving juveniles a "free pass" for a first offense.

MCPA and MSA believe this decision should remain within the purview of the Department of Juvenile Services (DJS) to decide based upon the severity of the situation and totality of circumstances. As an example, a juvenile falsely reporting an active shooter, or another 911 call falsely reporting a serious crime in progress, generates a tremendous resource response from Law Enforcement, Fire, EMS, etc. This action not only places first responders at risk, but the community at large, has resulted in the loss of life, and should result in full accountability, including the possibility of commitment to the Department of Juvenile Services for out-of-home placement. Under SB 635 as introduced, a juvenile would be guilty of a civil offense and subject to the appropriate juvenile court proceedings. However, the juvenile could not be committed for out-of-home placement. Again, MCPA and MSA believe these decisions should be left to the discretion of DJS.

For these reasons, MCPA and MSA **SUPPORTS SB 635 WITH AMENDMENTS** and requests the language that applies to juveniles be struck from the bill.