

**MACo\_FAV\_SB837**

Uploaded by: Kinnally, Kevin

Position: FAV



## Senate Bill 837

*Criminal Law - Public Safety - Interference With Agencies and Services - Prohibitions*

MACo Position: **SUPPORT**

To: Judicial Proceedings Committee

Date: March 3, 2020

From: Kevin Kinnally

The Maryland Association of Counties (MACo) **SUPPORTS** SB 837. This bill will update state laws to protect against telephone misuse and sophisticated cyber-attacks that pose a significant threat to the security and stability of Maryland's 9-1-1 system.

In 2019, the General Assembly passed Carl Henn's Law, landmark legislation to update state laws and the 9-1-1 financing system to provide the flexibility and resources needed for the deployment of a statewide Next Generation 9-1-1 (NG911) system that our residents expect and deserve. As Maryland accelerates its move toward NG911, proper safeguards are necessary to protect against new and evolving cyber threats, including denial-of-service attacks and intrusions by malicious hackers.

SB 837 generally prohibits any actions that intend to interrupt or impair the functioning of a 9-1-1 center. Specifically, the bill prohibits the use of telephone facilities or equipment to make calls or send data to a 9-1-1 center or public safety agency with the intent to (1) trigger, affect, or disrupt an emergency response or (2) impair the functioning of the 9-1-1 center or public safety agency. If an individual commits a prohibited act that interrupts the operations of a 9-1-1 center, the person is guilty of a felony and subject to imprisonment for up to 10 years and/or a fine up to \$50,000.

The bill also expands the scope of acts currently prohibited during the use of a telephone or equipment to include sending data that is reasonably expected or intends to annoy, abuse, torment, harass, or embarrass another. Additionally, the bill prohibits a person from violating the prohibition on misuse of telephone facilities and equipment by targeting a 9-1-1 center or public safety agency. A violator is guilty of a felony, punishable by imprisonment for up to five years, and/or a \$25,000 maximum fine

By strengthening state laws to protect against growing and evolving cyber threats, SB 837 will enhance public safety communications in Maryland and in our local communities.

Accordingly, MACo urges the Committee to issue a **FAVORABLE** report on SB 837.

# **MoCo\_Morningstar\_FAV\_SB 837**

Uploaded by: Morningstar, Sara

Position: FAV



# Montgomery County

## Office of Intergovernmental Relations

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**SB 837**

**DATE: March 3, 2020**

**SPONSOR: Senators Kagan and Reilly**

**ASSIGNED TO: Judicial Proceedings**

**CONTACT PERSON: Sara Morningstar (sara.morningstar@montgomerycountymd.gov)**

**POSITION: SUPPORT (Montgomery County Department of Police)**

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### **Criminal Law – Public Safety – Interference With Agencies and Services – Prohibitions**

Senate Bill 837 would prohibit a person from deliberately misusing Maryland's 9-1-1 system to make calls or send data that annoys, abuses, torments, or harasses a public safety answering point (PSAP) or public safety agency to intentionally trigger an emergency response or impair the function of the 9-1-1 system. Violators would be guilty of a felony and on conviction be subject to imprisonment not to exceed five years or a fine not to exceed \$25,000 or both. Montgomery County Department of Police supports this legislation.

This bill is based on the December 2019 report of the two-year Commission to Advance Next Generation 9-1-1 Across Maryland that was established by the General Assembly in 2018 to study and make recommendations regarding next generation 9-1-1 emergency communication services. The Commission identified the need to update Maryland law to combat complex and sophisticated cyberattacks and telephone misuse that could disrupt or disable PSAP operations that could lead to severe consequences to Maryland's Next Generation 9-1-1 system (NG911). Senate Bill 837 includes critical updates to sections of the Criminal Law Article addressing misuse of telephone facilities and equipment, unauthorized access to computer systems and software, and expanded prohibitions for making false statements to a PSAP.

Senate Bill 837 is needed to protect Maryland's NG911 public safety infrastructure from cyber threats and vulnerabilities as identified by the Commission to Advance Next Generation 9-1-1 Across Maryland. Montgomery County Department of Police respectfully requests that the Committee adopt a favorable report on the bill.

**Sen. Kagan\_FAV\_SB837**

Uploaded by: Senator Kagan, Senator Kagan

Position: FAV

CHERYL C. KAGAN  
Legislative District 17  
Montgomery County

Vice Chair  
Education, Health, and  
Environmental Affairs Committee

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THE SENATE OF MARYLAND  
ANNAPOLIS, MARYLAND 21401

**SB837: Criminal Law - Public Safety - Interference With Agencies and Services - Prohibitions**  
**Judicial Proceedings Committee**  
**Tuesday, March 3, 2020, 12:00PM**

Someone who makes a phony call to the police used to be viewed as a harmless prankster. Today, these individuals are more sophisticated and dangerous. Interruptions to 9-1-1 service can result in lives lost.

SB837 would strengthen penalties for various misuse of the 9-1-1 system, and is based on recommendations of the Next Generation 9-1-1 (NG911) Commission. Methods include:

- Swatting: fraudulently sending public safety officers to the address of an innocent person;
- Telephone Denial of Service (TDoS): flooding a 9-1-1 Center's voice lines, preventing legitimate emergency calls from getting through;
- Distributed Denial of Service (DDoS): maliciously disrupting a 9-1-1 Center by overwhelming its Internet network; and
- Caller ID manipulation: using a false identity when making a phone call or sending a text.

This is not a hypothetical problem. Just last summer, syndicated newspaper columnist Leonard Pitts Jr. was at his Bowie home when police showed up, ordered him to his knees, and handcuffed him. Police later explained that a caller had reported a murder at his address.

Penalty under current law for making anonymous phone calls or sending data that is meant to torment others are a maximum imprisonment of up to three years and/or a fine of up to \$500.

The NG911 commission recommends adding the following penalties for TDoS or DDoS:

- Someone attempting to interrupt or impair a PSAP (9-1-1 Center) would be subject to imprisonment up to 5 years and/or a fine up to \$25,000; and
- An individual who successfully interrupts a PSAP could be imprisoned for up to 10 years and/or a fine up to \$50,000.

Current law states that an individual who makes a false report is subject to imprisonment up to 6 months and/or a fine up to \$500. The NG911 Commission recommends the addition of two subsequent penalties for swatting, including:

- If law enforcement is dispatched to a scene based on a false report, imprisonment for up to 3 years and/or a fine up to \$5,000; and
- If serious bodily injury occurs, imprisonment for up to 5 years and/or a fine up to \$25,000.

I urge a favorable report on SB837.

CHERYL C. KAGAN  
Legislative District 17  
Montgomery County

Vice Chair  
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THE SENATE OF MARYLAND  
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## **SB837 Glossary**

**Swatting**: Making a false report of a serious emergency so that a Special Weapons and Tactics (SWAT) team - a group of officers trained to deal with dangerous situations - will go to a person's home. Persons who engage in swatting want to frighten, upset, or cause problems for the person being swatted.

**Telephone Denial of Service (TDoS)**: The act of flooding a 9-1-1 Center's voice lines, preventing legitimate emergency calls from getting through.

**Distributed Denial of Service (DDoS)**: The act of maliciously disrupting a 9-1-1 Center by overwhelming its Internet network.

**Next Generation 9-1-1 Commission (NG911)**: An Internet Protocol (IP)-based system comprised of managed Emergency Services IP networks (ESInets); functional elements (applications); and databases that replicate traditional Enhanced 9-1-1 (E9-1-1) features and functions and enable enhanced capabilities for PSAPs.

**Public Safety Answering Point (PSAP)**: A center that receives a 9-1-1 request for assistance and processes them according to established protocols and operational policies.

# Police thought I murdered my wife — and they didn't kill me. People are surprised by that

## [Opinion]

BY LEONARD PITTS JR.

JULY 02, 2019 05:30 PM

I had no intention of telling this story here.

Independence Day is Thursday, and I thought I might talk about the meaning of freedom in the age of Trump. Refugees are imprisoned in squalor on our southern border, the government balking at providing them toothpaste and soap, and I thought I might talk about the diminution of compassion in the age of Trump.

But the story of how I ended up in handcuffs on my front lawn in the dark hours of Sunday morning had, I felt, been well and truly told by multiple media outlets and needed no further explanation from me. Then I thought of all the times panicky, out-of-control police officers have left unarmed black people traumatized, wounded and dead in the last few years. And I thought of something people keep reminding me: My story easily could have had a much different ending.

So I guess there is something I need to say. First, though, a recap for those who are feeling as if they came in on the middle of a movie:

Sunday morning at 4:48, I was awakened by a call from the police department in Bowie, the D.C. suburb where I live. It seems a 911 caller told them I had murdered my wife and vowed to kill police when they responded. My “murdered” wife sat up in confusion as the caller ordered me to stay on the phone and exit the house. I opened my front door into blinding spotlights and an amplified voice instructing me to drop my phone and walk forward, hands away from my body, then go down on my knees, whereupon I was cuffed and taken to stand behind a police cruiser.

It took maybe half an hour for them to clear the rest of my family from the house and satisfy themselves there was no crime here. No, the only crime was the fake 911 call itself, the latest in a trend called “swatting” — as in a police Special Weapons and Tactics or SWAT team — where officers are sent to the door of some unsuspecting person. It’s happened to Rihanna, Simon Cowell and Parkland shooting survivor David Hogg. Now it’s happened to me.

People ask if I was scared. It surprises them — heck, it surprises me — when I say that I was not. Was it stressful? Definitely. Did it feel surreal? You bet.

But once I understood what was going on, I felt reasonably confident everything would be fine if I remained calm and allowed police to figure things out. It helped me, I think, that they themselves were calm. Nobody yelled or cursed at me. I wasn’t manhandled, and when it was over, I received an apology.

Compare that to Cleveland, where 12-year-old Tamir Rice was killed playing with a toy gun in an open carry state, within *two seconds* of police arriving. Compare it to Columbia, South Carolina and to suburban St. Paul, where Levar Jones and Philando Castile were shot — Castile died — while complying with police who had asked for their driver’s licenses. And by all means, compare it to Phoenix where officers with guns drawn cursed and threatened a black woman and her children last month over an alleged *shoplifting* incident.

I wasn’t treated like that, and I was supposedly a wife killer.

I don’t know if the police in Bowie are better trained or if I just got lucky. I do know that too many unarmed black people are wounded and killed by frightened and adrenalized cops. And that I could have become one of them and didn’t.

The fact that so many people regard that as a minor miracle is telling and sad. Sunday morning in a tense situation, police conducted themselves coolly and professionally. People should not have to be surprised by that.

It should tell you something that they are.

**SOURCE:** <https://www.miamiherald.com/opinion/opn-columns-blogs/leonard-pitts-jr/article232204542.html>