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THE SENATE OF MARYLAND ANNAPOLIS, MARYLAND 21401

SB101: Criminal Law - Public Safety - Interference With Agencies and Services - Prohibitions
Senate Judicial Proceedings Committee
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“When 9-1-1 fails, people die.”

You’ve probably heard me say this before, since three people have died in my district when 9-1-1 failed. Often, we enact legislation to solve potential problems; SB101 proposes to address an issue that has already cost lives.

A person making fake calls to the police used to be seen as an innocent prankster. Today, many of these individuals or organizations are sophisticated and dangerous. Current penalties for interfering with 9-1-1 systems are insufficient to discourage the planning and execution of attacks. The Next Generation 9-1-1 Commission (NG911) I chair recommends harsher sentences in order to deter weaponizing 9-1-1.

Methods of misusing the 9-1-1 system include:

- 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;
- Caller ID manipulation: using a false identity when making a phone call or sending a text; and
- Swatting: fraudulently sending public safety officers (SWAT teams) to the address of an innocent person.

Deliberate, fraudulent schemes to mislead police can have tragic consequences. SWAT teams rush to stop an “armed and dangerous criminal,” but instead barge into the home of an innocent resident. The resulting chaos can result in injuries or fatalities. Additionally, interrupting 9-1-1 services wastes time and resources that should be reserved for actual emergencies.

False reports are not a hypothetical problem-- even in Maryland. In 2019, syndicated newspaper columnist Leonard Pitts Jr. was in his Bowie home when police showed up, ordered him to his knees, and handcuffed him. Officers later explained that a 9-1-1 caller had falsely accused him of murdering his wife. Sadly, Mr. Pitts is not unique; others (particularly other African-Americans) have been victims to swatting. This past August, Los Angeles PD surrounded Melina Abdullah’s house because they got a call that she and her children were being held hostage by a man demanding one million dollars. Abdullah, the co-founder of Black Lives Matter Los Angeles, streamed the incident on her Instagram.

Penalties 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 strengthening sentences 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.

In Maryland, an individual who makes a false report (swatting) is currently subject to imprisonment up to 6 months and/or a fine up to \$500. The NG911 Commission recommends two additional penalties:

- 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.

The NG911 Commission reviewed last year's [SB837/](#)[HB1024](#) and recommended a clarifying tweak:

- "DATA" means information transmitted through a telephone, including text messages, images, and video;
- "EQUIPMENT" means any device that can contact 9-1-1 (i.e., computer, application, peripheral device, etc.); and
- (3-804) (a) A person may not use telephone facilities, DEVICES, DATA FILES, or equipment to make:...

This reflects that disruptions can originate from different types of technology-- not just from telephone calls.

I urge a favorable report on SB101.