

HOUSE No. 1649

The Commonwealth of Massachusetts

PRESENTED BY:

David T. Vieira

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act relative to swatting.

PETITION OF:

| NAME: | DISTRICT/ADDRESS: | DATE ADDED: |
|--------------------------|-----------------------|------------------|
| <i>David T. Vieira</i> | <i>3rd Barnstable</i> | <i>1/15/2015</i> |
| <i>Timothy R. Whelan</i> | <i>1st Barnstable</i> | <i>9/26/2019</i> |

HOUSE No. 1649

By Mr. Vieira of Falmouth, a petition (accompanied by bill, House, No. 1649) of David T. Vieira and Timothy R. Whelan relative to the penalties for providing false information to public safety personnel and causing the unnecessary dispatch of emergency personnel. The Judiciary.

The Commonwealth of Massachusetts

**In the One Hundred and Eighty-Ninth General Court
(2015-2016)**

An Act relative to swatting.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1

2 Section 14B of chapter 269 of the General Laws is hereby amended by inserting after
3 paragraph (b) the following:

4
5 (c) Whoever willfully and maliciously communicates with a PSAP or police officer, or
6 causes a communication to be made to a PSAP or police officer, which communication transmits
7 information which the person knows or has reason to know is false and which results in the
8 dispatch of emergency services to a nonexistent emergency, with the intent to annoy or harass
9 another person and if police are dispatched as a result of the telephone call, shall be punished by
10 imprisonment in the house of correction for not more than 2 ½ years, or by a fine of not more
11 than \$2,500, or by both such fine and imprisonment. Whoever commits a second or subsequent
12 violation of this section shall be punished by imprisonment in the house of correction for not

13 more than 2 ½ years or by imprisonment in the state prison for not more than 5 years or by a fine
14 of not more than \$7,500, or by both such fine and imprisonment.

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16 (d) Whoever willfully and maliciously communicates with a PSAP or police officer, or
17 causes a communication to be made to a PSAP or police officer, which communication transmits
18 information which the person knows or has reason to know is false and which results in the
19 dispatch of emergency services to a nonexistent emergency, with the intent to annoy or harass
20 another person and if police are dispatched and any person sustains bodily injury as a result of
21 conduct arising out of and in the course of the police being dispatched to the residence or place
22 of business, shall be punished by imprisonment in the house of correction for not more than 2 ½
23 years, or by imprisonment in the state prison for not more than 5 years, by a fine of not more
24 than \$5,000 or by both such fine and imprisonment. Whoever commits a second or subsequent
25 violation of this section shall be punished by imprisonment in the house of correction for not
26 more than 2 ½ years or by imprisonment in the state prison for not more than 10 years or by a
27 fine of not more than \$10,000, or by both such fine and imprisonment.

28 (e) Whoever willfully and maliciously communicates with a PSAP or police officer, or
29 causes a communication to be made to a PSAP or police officer, which communication transmits
30 information which the person knows or has reason to know is false and which results in the
31 dispatch of emergency services to a nonexistent emergency, with the intent to annoy or harass
32 another person and if police are dispatched and any person sustained death as a result of conduct
33 arising out of and in the course of the police being dispatched to the residence or place of
34 business, is guilty of manslaughter punishable under Chapter 265 Section 13

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(h) This section shall not apply to telephone calls made in good faith.