

HOUSE No. 3467

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:
<i>David T. Vieira</i>	<i>3rd Barnstable</i>
<i>Timothy R. Whelan</i>	<i>1st Barnstable</i>
<i>Shaunna L. O'Connell</i>	<i>3rd Bristol</i>

HOUSE No. 3467

By Mr. Vieira of Falmouth, a petition (accompanied by bill, House, No. 3467) of David T. Vieira, Timothy R. Whelan and Shaunna L. O'Connell for legislation to establish a criminal penalty for certain actions resulting in the dispatch of emergency services to nonexistent emergencies. The Judiciary.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-First General Court
(2019-2020)**

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. Chapter 269 Section 14B is hereby amended by adding the following: -
2 (c) Whoever willfully and maliciously communicates with a PSAP or police officer, or
3 causes a communication to be made to a PSAP or police officer, which communication transmits
4 information which the person knows or has reason to know is false and which results in the
5 dispatch of emergency services to a nonexistent emergency, with the intent to annoy or harass
6 another person and if police are dispatched as a result of the telephone call, shall be punished by
7 imprisonment in the house of correction for not more than 2 ½ years, or by a fine of not more
8 than \$2,500, or by both such fine and imprisonment. Whoever commits a second or subsequent
9 violation of this section shall be punished by imprisonment in the house of correction for not
10 more than 2 ½ years or by imprisonment in the state prison for not more than 5 years or by a fine
11 of not more than \$7,500, or by both such fine and imprisonment.

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

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

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