

HOUSE No. 1915

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>2/17/2021</i>
<i>Timothy R. Whelan</i>	<i>1st Barnstable</i>	<i>2/26/2021</i>

HOUSE No. 1915

By Mr. Vieira of Falmouth, a petition (accompanied by bill, House, No. 1915) of David T. Vieira and Timothy R. Whelan for legislation to establish a criminal penalty for certain actions resulting in the dispatch of emergency services to nonexistent emergencies. The Judiciary.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 3467 OF 2019-2020.]

The Commonwealth of Massachusetts

In the One Hundred and Ninety-Second General Court
(2021-2022)

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

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

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

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

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