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Assembly Committee on Criminal Justice and Public Safety

Public Hearing, AB 454

October 31st, 2019

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Thank you Mr. Chairman and members of the Committee for holding a public hearing on Assembly Bill 454 relating to falsely reporting an emergency, otherwise known as “Swatting”, and providing a penalty. This alarming trend has impacted communities in all corners of our state, including my district where investigations are ongoing as a result of an April 2019 swatting incident in Hartland.

“Swatting” refers to the practice of knowingly reporting a non-existent emergency in order to elicit a large-scale law enforcement emergency response. What began as a prank has since proven to create incredibly dangerous and even deadly situations. Some may recall in late December 2017 when a man in California falsely reported a hostage situation at a home in Wichita, Kansas that resulted in the death of an innocent father who had no idea why police had surrounded his home.

Wisconsin is not immune to this as dozens of swatting incidents have been reported within the last few years in communities all across the state including Hartland, Waupaca, Madison, Sun Prairie, Fond du Lac, Appleton, Janesville, Greenfield, and Marinette County. Each of these instances wasted an incredible amount of resources and put innocent lives at risk as law enforcement officers, emergency personnel, and even full SWAT teams were mobilized to a location where no threat existed. Despite this increasing trend, current law fails to take into account the magnitude of swatting, treating this crime as a misdemeanor with the violator receiving only a small fine.

AB 454 seeks to increase the penalty for swatting to a Class I felony, aligning it with other severe false reporting incidents like bomb threats and terrorist threats, both Class I and Class G felonies. The penalty for swatting would increase to a Class H felony if someone is physically harmed as a result. A number of other states have already passed legislation increasing the penalties for swatting so it is my hope the Committee support AB 454 to create an appropriate penalty and hopefully deter these dangerous situations in the future.

Thank you Committee members for your time and consideration of Assembly Bill 454. I would be happy to answer any of your questions.



TYLER VORPAGEL

STATE REPRESENTATIVE • 27TH ASSEMBLY DISTRICT

Assembly Bill 454: relating to falsely reporting and emergency and providing a penalty

Testimony of State Representative Tyler Vorpapel

Assembly Committee on Judiciary and Public Safety

October 31, 2019

Thank you, Chairman Spiros, Ranking Member Crowley and committee members, for your time in reading my testimony on a bill that is very important due to recent events.

In the last few years a number of communities have become victims of what has been defined as “Swatting” meaning knowingly falsely reporting to any public safety entity that an emergency exists with the intent to elicit a response from an emergency response team. Swatting is a waste of police resources as it sends multiple cars and emergency personnel to a location where no threat exist, wasting not only time but also pulling them from the job they are currently working. In addition, they create a deadly situation, like in 2017 authorities in Kansas shot and killed an innocent victim when they mistakenly thought he was reaching for a weapon.

This bill would increase the current criminal statutes that treat this crime as a misdemeanor to a Class I felony to help align the penalties with other more severe false reporting incidents (such as bomb threats and terrorist threats). Other states including Kansas, New Jersey and California have passed legislation increasing penalties for swatting.

I hope you all can see the importance of this legislation, and I apologize for not being able to attend the hearing in person but am available through my office should you have any questions.

Testimony on Assembly Bill 454

Senator Robert Cowles

Assembly Committee on Criminal Justice and Public Safety – October 31, 2019

Thank you, Chairman Spiros and committee members, for allowing me to testify on 2019 Assembly Bill 454. This bill defines the act of swatting and establishes swatting as a felony.

Swatting is defined under this bill as falsely reporting an emergency to a public safety entity, knowing that no emergency exists, with the intent to elicit a response from an emergency response team.

Current criminal statutes in Wisconsin treat this crime as a misdemeanor, punishable by a jail sentence up to 90 days and a maximum fine of \$600. This bill would increase that penalty to a Class I felony, lining up swatting penalties with the penalties for other more severe false reporting incidents such as bomb threats and terrorist threats. Additionally, this bill would also increase that penalty to a Class H felony if the violation resulted in physical harm to any person.

A good example of how swatting can harm a community occurred just last year in Dodge County. The Dodge County 911 Center received a call from a man who said he shot a man and taken others hostage in a house in the Highway 151 and Forest Road area between Beaver Dam and Columbus. The SWAT team arrived on the scene and began to enter the residence with the intent to free the hostages. Other police responding shut down the highway for over an hour. The SWAT team entered the residence and immediately discovered no hostage situation existed and deemed it as a swatting call as defined in the bill. As the investigation was wrapping up, Dodge County received a call for an ice rescue on Fox Lake. Sheriff Dale Schmidt told reporters, "Had our deputies still been tied up on the swatting call, it is quite possible our deputies would not have been able to respond as quickly to that incident, and lives could have been put further in jeopardy."

Other more recent swatting events have happened in Wisconsin as well. In April of this year, Hartland Police responded to a call from a man who claimed he had just killed his mother and was going to hurt himself. The address the SWAT team was sent to was a house across the street from Hartland Elementary South. The school was put on lockdown and the SWAT team surrounded the residence with riot shields and heavy weaponry until the resident emerged at which point the police determined no emergency existed. Another incident occurred in July of this year, when the Dane County 911 center got a call from someone claiming to be the mother of a woman who had a gun and was threatening suicide in the bathroom of her condominium. Police swarmed and evacuated the condominium, eventually entering the residence and found nobody to be present.

While nobody was physically harmed in any of these incidents, this is not always the case. In late 2017, a deadly situation was created from swatting when authorities in Kansas shot and killed Andrew Finch, an innocent victim, when they mistakenly thought he was reaching for a weapon.

Swatting is a very serious offense and has become much more frequent over the past few years. Many states such as Kansas, New Jersey, and California have passed legislation increasing the penalties for swatting. As the popularity of this dangerous stunt continues to rise in Wisconsin, it is time we do the same.

Higher penalties for swatting can act as a deterrent for potential violators and can reduce the frequency of these dangerous stunts, as well as ensure that the punishment fits the crime for these unique and knowingly false reporting incidents.