

ABSTRACT

Title of Thesis:

HOW STATES CRIMINALIZE SWATTING:
AN EXPLORATORY ANALYSIS OF
SWATTING IN THE 50 STATES

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This exploratory study identified and analyzed state level swatting statutes within the United States. Swatting is defined as the false report of an emergency intended to cause immediate law enforcement response. Swatting is a form of harassment and a threat to public safety. A database of state swatting statutes as of February, 2026, was created and evaluated using the characteristics of *mens rea*, *actus reus*, offense severity, offense sanctions, enhancements and jurisdiction. Findings show that there is no consistent national approach to legislation that criminalizes swatting. Dominant themes emerge across state level swatting statutes. Almost every state swatting statute has a *mens rea* requirement of “knowing” which sets a high burden of proof for prosecutors. This research demonstrated that there is no consistent national approach to the criminalization of swatting and that many challenges for prosecution exist at the state level.

HOW STATES CRIMINALIZE SWATTING: AN EXPLORATORY ANALYSIS OF
SWATTING STATUTES IN THE 50 STATES

By
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Thesis submitted to the Department of Criminology and Criminal Justice at the University of
Maryland, College Park, in partial fulfillment of the requirements for the degree of

Bachelor of Arts

2026

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ACKNOWLEDGEMENTS

Research is not completed in a vacuum. Rather it is a conversation – a question about our world and a proposed answer. I want to extend my biggest thank you to my family for empowering me to not only ask questions, but to seek out answers. I am deeply indebted to the University of Maryland, College Park, Department of Criminology and Criminal Justice for cultivating my critical thinking and research skills over these past four years. A special thank you to Dr. Carrie Fisher and Dr. Brett Lacey for encouraging me to pursue research, mentoring me, and modeling excellence in the field. Finally, thank you to Dr. Robert Brame for advising me on my thesis, thoughtful feedback, and dedication to the growth and learning of the entire 2026 Criminology and Criminal Justice Honors Cohort. None of this would be possible without you.

TABLE OF CONTENTS

ABSTRACT	I
ACKNOWLEDGEMENTS	IV
1 INTRODUCTION.....	1
2 PRIOR RESEARCH.....	2
2.1 ELEMENTS OF SWATTING	2
2.2 SWATTING AS IT RELATES TO OTHER CRIMES	3
2.3 PROFILES AND CHARACTERISTICS OF SWATTERS AND VICTIMS	4
2.4 NECESSITY TO IDENTIFY AND PREVENT SWATTING	5
2.5 FREQUENCY OF SWATTING	7
2.6 INVESTIGATIVE CHALLENGES	8
2.7 PROSECUTION BARRIERS	10
2.8 DEARTH OF SWATTING RESEARCH	11
3 CURRENT STUDY	11
4 METHODS	12
4.1 INCLUSION AND EXCLUSION CRITERION	12
4.2.1 Statute Identification.....	14
4.2.2 Identifying and coding attributes	17
4.3.1 Appropriateness of Methodology	20
4.3.2 Appropriateness of Dataset	20
4.4 Limitations	21
5 RESULTS	22
5.1 SAMPLE	22
5.2 <i>MENS REA</i>	23
5.3 <i>ACTUS REUS</i>	23
5.4 OFFENSE SEVERITY	24
5.5 ENHANCEMENTS	25
5.6 SANCTIONS	26

5.6.1 Incarceration	26
5.6.2 Restitution.....	27
5.6.3 Other Sanctions.....	28
5.7 JURISDICTION	28
5.8 INADEQUATE DEFENSES	29
5.9 THE STATUTES IN THEIR OWN WORDS	30
6 DISCUSSION AND IMPLICATIONS	31
6.1 SOCIAL VALUES	31
6.2 BARRIERS TO PROSECUTION	33
6.3 DETERRENCE	34
6.4 STRENGTHS AND LIMITATIONS	35
6.5 FUTURE RESEARCH	35
7 CONCLUSION.....	37
APPENDIX.....	44
KEY DEFINITIONS.....	44
TABLES	46
IDENTIFIED SWATTING STATUTES	55
AMBIGUOUS STATUTES	96

LIST OF TABLES

TABLE 1: FEDERAL BARRIERS TO PROSECUTION	46
TABLE 2: NUMBER OF INCLUDED SWATTING STATUTES PER STATE.....	47
TABLE 3: NUMBER OF SWATTING STATUTES PER STATES REPRESENTED IN THE DATASET	48
TABLE 4A: MENS REA REQUIREMENTS OF FALSE REPORTS (STATE).....	48
TABLE 4B: MENS REA REQUIREMENTS OF FALSE REPORTS (STATUTE).....	49
TABLE 5A: ACTUS REUS REQUIREMENTS OF FALSE REPORTS (STATE).....	49
TABLE 5B: ACTUS REUS REQUIREMENTS OF FALSE REPORTS (STATUTE).....	49
TABLE 5C: EXCLUSIVE ACTUS REUS REQUIREMENTS OF FALSE REPORTS (STATE).....	50
TABLE 6A: BASE LEVEL OFFENSE SEVERITY FOR A SWATTING VIOLATION (STATE).....	52
TABLE 6B: BASE LEVEL OFFENSE SEVERITY FOR A SWATTING VIOLATION (STATUTE).....	52
TABLE 7A: MAXIMUM ENHANCED OFFENSE SEVERITY FOR A SWATTING VIOLATION (STATE).....	52
TABLE 7B: MAXIMUM ENHANCED OFFENSE SEVERITY FOR A SWATTING VIOLATION (STATUTE).....	52
TABLE 8A: ENHANCEMENT TYPE (STATE).....	52
TABLE 8B: ENHANCEMENT TYPE (STATUTE).....	52
TABLE 9: MAXIMUM SWATTING INCARCERATION (STATE).....	52
TABLE 10: MAXIMUM BASE LEVEL INCARCERATION LENGTH BY STATE (BOUNDED).....	53
TABLE 11: MAXIMUM ENHANCED LEVEL INCARCERATION LENGTH BY STATE (BOUNDED).....	53
TABLE 12A: RESTITUTION CLAUSE PRESENCE (STATE)	53
TABLE 12B: RESTITUTION CLAUSE PRESENCE (STATUTE).....	54
TABLE 13A: JURISDICTION CLAUSE PRESENCE (STATE).....	54
TABLE 13B: JURISDICTION CLAUSE PRESENCE (STATUTE).....	54

1 | INTRODUCTION

After working tirelessly through an unprecedented government shutdown, a United States senator goes home for Thanksgiving to spend time with his family. At 1:00 am Thanksgiving Day an emergency is reported at the senator's home. Normally, this emergency would “trigger a large law enforcement response and presence” (Gulf Coast News, 2025). Instead of responding, law enforcement officers called the senator to confirm the emergency. The senator confirms that there is no emergency, avoiding what may have been a traumatizing and even deadly altercation with law enforcement or a SWAT (Special Weapons and Tactics) team. This is not a hypothetical but rather a reality for Florida Senator Rick Scott (Gulf Coast News, 2025). Nor is this the first time he has been “swatted” (Gulf Coast News, 2025).

Swatting is defined as fake “claims of violent crimes such as active shooters, bomb threats, or hostage situations” (U.S. Department of Homeland Security [DHS], 2025). As opposed to other forms of false reports, the goal of swatting is to “draw a large response from SWAT teams or other law enforcement resources” to a specific individual or target to create “chaos” and “violence” (Federal Bureau of Investigation [FBI], 2025; DHS, 2025). The act of swatting is a subset of other intentional and malicious hoax threats (University of South Dakota, n.d.). The first published use of the term swatting is attributed to a 2008 FBI awareness bulletin naming swatting as a “new phenomenon” (Nellist, 2018; Enzweiler, 2014; FBI, 2008).

The frequency of swatting incidents has escalated in recent years (U.S. Department of Justice [DOJ], 2025; Wang, 2025). Despite the severity and increasing occurrence of swatting incidents, there has been little systemic research focusing on the prosecution of swatting. State statutes play a central role in addressing these offenses. This study conducts a 50-state analysis of state swatting statutes and creates a database of the state swatting statute landscape to enhance

an understanding of how swatting is criminalized and prosecuted across the United States. This research looks at what statutes exist, what key points of similarity and variation are, and how the statutes address or fail to address the prosecution barriers of swatting, what social values are communicated by the sentencing options in each statute, and how swatting statutes interact with the three tenets of Beccaria and Bentham's deterrence theory.

2 | PRIOR RESEARCH

2.1 | Elements of Swatting

Swatting hoaxes can be reported through email, social media posts, and telephone communication (Blackwell, 2023). The most frequent recipient of the false report is a public safety organization (Blackwell, 2023). However, businesses, education facilities, places of worship, and individuals also receive hoax reports directly (Blackwell, 2023). To make the false report sound credible, many swatters use open-source websites to identify addresses and other details relevant to their target (DOJ, 2025). When reporting the call, swatters may take on a different identity to lend credibility to their report¹ and to obscure their identity should law enforcement try to investigate (DOJ, 2025). Swatters sometimes use stolen identities when making a report to implicate another, creating further chaos and harassment (DOJ, 2025).

The FBI has identified several motives for swatting including the intent to "harass, intimidate, or retaliate against intended targets" (FBI, 2025). Another motive is "bragging rights and ego" (FBI, 2008). Criminal cases, such as Alan Filion's, have pointed to "profit and recreation" as motives for placing swatting calls (DOJ, 2025). 18 year old Filion created advertisements on social media for his "swatting-for-a-fee" service and called law enforcement with 375 false reports "from approximately August 2022 to January 2024" (DOJ, 2025). His

¹ For instance, when reporting a fake school shooting a swatter may pretend to be a student at the school.

service allowed him to profit from his swatting calls² (DOJ, 2025). The Utah Department of Public Safety Statewide Information & Analysis Center [Utah DPS SIAP] identified personal or socio-political grievances, avoiding responsibilities at school or work, diversion for other criminal activity³, financial impact to government operations, and immaturity as other possible motives (Utah DPS SIAP, 2023).

2.2 | Swatting as it relates to other crimes

There are no federal statutes that specifically name “swatting” as a crime. Instead, swatting has been prosecuted at a federal level using statutes that criminalize similar harassment crimes: Interstate Threats to Kidnap or Injure⁴; Bomb Threats⁵; Hoaxes⁶; Cyberstalking⁷ (Brenstein, 2016; Berris, 2025). Though the terms ‘swatting’ is relatively new, the underlying act of using technology to harass and intimidate is a feature of crimes that have been criminalized for decades⁸ (Bernstein, 2016). It is useful to understand swatting through the more comprehensive body of literature that deals with similar crimes like phone phreaking⁹, obscene

² He was charged using federal law: Interstate Threats to Kidnap or Injure, 18 U.S.C. § 875(c)

³In 2025, Thomas Sanford called in three false reports to nearby worship locations with the intention of diverting police resources (Li & Chaidez, 2026). He then attacked a Church of Latter Day Saint where he murdered four victims before the police arrived and incapacitated him (Li & Chaidez, 2026). In this case swatting is not simply a form of harassment, it is a tool that can be used to increase the potential casualties in a mass violence event.

⁴ 18 U.S.C. § 875(c)

⁵ 18 U.S.C. § 844(e)

⁶ 18 U.S.C. § 1038

⁷ 18 U.S.C. § 2261A(2)

⁸ The landmark supreme court case *In re Gault* (1967) began with an obscene phone call prosecution.

⁹ Phone phreaking is “the practice of breaking into a telecommunications system to make free calls or contact high-cost lines”, more generally, phreaking involves hacking telephone networks (Kumar, 2022; Enzweiler, 2014). Like phone phreaking, swatting involves the “exploitation of telecommunication technology” (Enzweiler, 2014).

phone calls,^{10,11,12,13} and cyberbullying (Jaffe, 2016; Nellist, 2018; Valanne, 2020).¹⁴ Doing so may allow prevention, intervention and education techniques that are successful with these harassment crimes to be applied to swatting incidents.

2.3 | Profiles and characteristics of swatters and victims

Research has identified a higher prevalence of swatting perpetration and victimization in the online gaming community (Murphy-Sterger, 2024).¹⁵ Players in competitive games may use swatting as a tool to bully and gain retribution against opposing players (Murphy-Sterger, 2024). As such, those in the online gaming community may be at a higher risk of swatting victimization. An Anti-Defamation League [ADL] survey in 2019 of 1,045 respondents found that about 29% of gamers had been doxxed^{16,17,18}, making it much easier for those in the gaming community to be swatted (ADL, 2019). Research has found that about 3% of the general gaming population has directly experienced swatting (Kowert, R., & Crevoshay, E., 2023). Department of Justice

¹⁰ Defined in appendix

¹¹ Obscene phone calls are criminalized under 47 U.S. Code § 223 - Obscene or harassing telephone calls in the District of Columbia or in interstate or foreign communications.

¹² The landmark juvenile justice supreme court decision *In re Gault* (1967), which applied the 14th amendment's due process clause to juveniles, stemmed from an obscene phone call charge. The legal system has a long history of engaging with obscene and criminal phone calls.

¹³ As with an obscene phone call, a swatting event is often an attempt "to abuse, threaten, or harass another person" (47 U.S. Code § 223, 2025). Similarly, in both crimes the caller tries to conceal their true identity (Warner, 1989; Shah, 2024). Research has certainly found evidence that swatting incidents often serve to harass and threaten a victim (Nellist, 2018; Jaffe, 2016).

¹⁴ Defined in the appendix

¹⁵ Some online gamers use pseudonyms and even voice-changing technology to interact online (Van der Nagel, 2017; Browne, 2023). These identification concealment techniques are the same ones that swatters utilize to hide their own identity.

¹⁶ Defined in appendix

¹⁷ The information that has been revealed through a "dox" may stay online "for an unlimited amount of time, as online platforms have few policies for removing doxxed information and in most countries, there is little legal recourse for information to be removed" (Eckert & Metzger-Riftkin, 2020). Therefore, other criminal actors can more easily swat a doxxing victim by using the victim's home address, name, or other identifying details.

¹⁸ A "dox is typically accompanied by a subtle or overt call to action to harm the target" (Eckert & Metzger-Riftkin, 2020). This call to action may directly lead to swatting, a harassment tactic that if successful can cause emotional and physical harm to the victim. There is also overlap regarding the motivations for doxxing and swatting. Each may be motivated by reputation-building, retribution, and harassing a political official (FBI, 2025; Utah DPS SIAP, 2023; Anderson & Wood, 2021; Garrick, & Buck, 2022).

guidance indicates that swatting events that are traced back to the online gaming community generally involve juvenile offenders (Bernstein, 2016)¹⁹.

Though swatting is a topical issue within the online gaming community, it is certainly not limited to those spaces. Swatters may target a single victim or multiple victims (FBI, 2008). Swatting has been used to target individuals and institutions across many different types of political and socioeconomic backgrounds. “Schools, hospitals, places of worship, centers of mass transportation,” celebrities, politicians, and elected officials have all been the victims of swatting attempts (FBI, 2025). An FBI public affairs bulletin posted in 2022 noted that historically “law enforcement has seen swatters directing their actions toward individuals and residences. Increasingly, the FBI sees swatters targeting public places such as airports, schools, and businesses. Another recent trend is so-called celebrity swatting, where the targeted victims are well-known personalities” (Breault, 2022). Some research about swatting victimization has found that victims with marginalized identities might face worse outcomes in a swatting incident due to the heightened assumptions law enforcement may make about the threats posed by an individual with marginalized identities such as race, gender non-conformance, or mental health status (Blackwell, 2023).

2.4 | Necessity to identify and prevent swatting

Swatting is a threat to life. Law enforcement responds with force when they approach scenes where they believe a violent crime to be occurring (Miller, 2015). The presence of weapons can turn hoax swatting calls into life-threatening interactions. In 2015, a police chief Louis Ross was shot four times while entering the home of a swatting victim and required

¹⁹ Juvenile swatting has also been tied to the violent extremism network 764 (Mehra & Hartgens, 2025). “764 is a transnational, decentralized network of online groups promoting Satanic and nihilistic violence, intersecting with neo-Nazism and accelerationism” (Mehra & Hartgens, 2025).

orthopedic surgery (PoliceMag, 2015). If not for his bullet-proof vest, Chief Ross may have died (Police1, 2015). That same year, Tyrann Dobbs was “shot in the face and chest with plastic bullets” by responding officers “subsequently requiring him to undergo reconstructive facial surgery” (Gall, 2024).

In severe instances, swatting has also led to the death of innocent victims. In 2017, police responded to a swatting call and killed the victim, Andrew Finch, 28, mistakenly believing him to be “a man who had shot his own father and was holding family members hostage” (DOJ, 2019). Another victim, Mark Herring, 60, died of a heart attack in 2021 when law enforcement responded to his home armed with guns (Cramer, 2021). In Texas, Patricia Ann Garcia called 911 three times to swat her neighbors. While there was no immediate law enforcement response to her false reports, her calls led law enforcement to open an investigation and obtain a no-knock search warrant which resulted in the death of Dennis Tuttle, 59, and Rhogena Nicholas, 58, their dog, and injury to four law enforcement officers (Langford, 2021). Even in non-deadly situations, the presence of armed law enforcement can be traumatizing and emotionally harmful to victims (Jaffe, 2016; Jaffe, 2020; Blackwell, 2023; Murphy-Sterger, 2024).

Swatting crimes prevent the effective administration of public services. A swatting incident will take “officers away from real emergencies, potentially delaying response times for actual threats” (DOJ, 2025). Swatting is a threat to all law enforcement capabilities. Repeated swatting incidents “may desensitize responders, reducing their ability to assess true threats effectively” (DOJ, 2025). Desensitization can lead to delayed response time and fatigue (DOJ, 2025). “Swatting calls and bomb threats typically come in clusters” which amplifies the desensitization and delayed response capabilities of law enforcement (Joint Terrorism Task Force [JTTF], n.d.). Swatting can be used as a diversion from a mass casualty attack (Li &

Chaidez, 2026). This was the case in a mass shooting attack at the Church of Jesus Christ Latter-day Saints in Grand Blanc Township where four were killed and nine were injured (CNN, 2025).²⁰

Finally, swatting crimes waste taxpayer money (DOJ, 2025). Swatting can cause schools and businesses to be shut down or evacuated due to the perceived on-going threat (Classen & Modeste, 2025). In cases where a SWAT team responds, the average cost in America for each SWAT mobilization is around \$12,000 - \$20,000, which tends to be paid by taxpayer dollars (Nellist, 2018). Taxpayers also frequently incur the expense of the law enforcement resources used to respond and investigate the swatting hoax (Waite, 2024). In a single year, Florida reported “\$65 million in losses and \$8 million in lost instructional time” for local businesses and educational facilities (Waite, 2024). Law enforcement response to swatting may also cause property damage. To gain access to the emergency, SWAT and other public service officers may use battering rams and other destructive forced entry techniques (Police Magazine, 2015; Police1, 2015).

2.5 | Frequency of Swatting

There are no publicly available databases of swatting incidents within the United States. However, a couple of attempts have been made to quantify the frequency and ubiquity of swatting across America. Using local news reports from September 13th, 2022, until October 5th, 2022, NPR found “at least 113 instances of hoax calls across 19 states” with the highest incidence in Louisiana, Minnesota, and Virginia (Yousef, 2022). The total incidence was likely even higher as some swatting calls “may not have garnered media attention” (Yousef, 2022).

²⁰ This attack took place in September 2025 (Li & Chaidez, 2026). One of the four fatalities was the shooter (CNN, 2025; Li & Chaidez, 2026).

Another study found that there were “at least 446 swatting incidents specifically involving active shooter hoaxes in the United States during the 2022-2023 school year” (Berris, 2025). A 2024 Department of Homeland Security bulletin about swatting noted that there were “100 separate threats to over 1,000 institutions across 42 states and the District of Columbia over a one-month period” (DHS, n.d.).

2.6 | Investigative challenges

Swatting is a cybercrime²¹ leading to many investigative challenges. The use of technology allows criminal actors to commit multiple swatting instances within a short period of time and from great physical distance. Many swatters go to great lengths to hide their identity, frequently using technology, to avoid prosecution (Bernstein, 2016; Nellist, 2018). To identify the location of a caller, investigators may use an IP address (Kao & Wang, 2009).²² To obscure their IP address, a swatter may use a Virtual Private Networks [VPN] (Baker, 2025)²³. Further, TextNow, Google Voice, and Burner are all Voice over Internet Provider (VoIP) apps that enable users to make calls through the internet (Campbell & Jaeger, 2024; Baker, 2025). These calls will appear as local numbers but can originate anywhere in the world. Swatters may use fake email accounts, names, and dates of birth to register their VoIP numbers (Baker, 2025). ID spoofing^{24,25}, text-to-speech tools, voice changing software, and artificial intelligence (AI) are

²¹ Defined in appendix

²² Defined in the appendix

²³ Defined in the appendix

²⁴ Spoofing uses technology to make the incoming call appear as though it is originating from legitimate and often local numbers (Hoeferkamp, 2019; Baker, 2025). Sometimes, a swatter may spoof their number to appear as a local police department in the victim’s area of residence (Baker, 2025).

²⁵ The ‘Truth in Caller ID Act of 2009’ criminalizes misleading and intentionally inaccurate caller IDs (Remeika, 2017).

other tools²⁶ that swatters use to obscure their identity (Hoeferkamp, 2019; Campbell & Jaeger, 2024; Baker, 2025).

In addition to these tools, swatters may communicate the swatting through a third party to further conceal their identity. Referred to as “swatting by proxy”, a swatter “makes threats or false claims to a third party such as a suicide or domestic violence hotline, which then contacts the police on their behalf — unwittingly facilitating the hoax” (Baker, 2025). Due to the nature of swatting, law enforcement frequently does not have the proper resources to investigate swatting crimes (Bei Li, 2018). If left unresolved^{27,28}, these investigative challenges become barriers to prosecution.

²⁶ These technologies allow a swatter to impersonate the victim, adding further credibility to the swatting call (Baker, 2025).

²⁷ Innovative linguistics research has identified distinctions in the vocabulary used by 911 callers between true emergency reports and false emergency report and hoax calls (Laforest, 2012; Moore, 2020). The FBI and other law enforcement and public safety departments have identified further trends of swatting that differ from legitimate reports of crime. A key indicator of a swatting incident is that only a singular report is made of the incident (DHS, 2025). When public incidents like mass shootings occur, it is likely that many victims or witnesses will attempt to contact law enforcement (Washington Office of Superintendent of Public Instruction [WOSPI], Department of Homeland Security guidance is to “call the location to corroborate details” when only one report is received (DHS, 2025). If the location denies the report, it can prevent a wasted and costly law enforcement response. Additionally, the caller's mannerisms may be contradictory with the incident they are reporting (JTTF, n.d.; WOSPI, n.d., New Jersey Cybersecurity & Communications Integration Cell [NJCCIC], 2015; CCSSCP, 2023; DHS, 2025). For example, “if a caller sounds calm and there is no background noise, even though they claim to have just witnessed several students being shot, that may be a potential indicator that something else is going on” (DHS, 2025). Minimal or fake background noise is another indicator (JTTF, n.d.; WOSPI, n.d., NJCCIC, 2015; CCSSCP, 2023; DHS, 2025). A lack of screams, gunshots, or background noise may indicate that the caller is not at the scene of a crime (JTTF, n.d.; WOSPI, n.d., NJCCIC, 2015; CCSSCP, 2023; DHS, 2025). Similarly, gunshots and explosions in the background that sound inconsistent with the story, exaggerated, or fake may come from a computer recording rather than a legitimate shooter (JTTF, n.d.; WOSPI, n.d., NJCCIC, 2015; CCSSCP, 2023; DHS, 2025).

To prevent the deployment of law enforcement resources and the harassment, injury, or death of innocent victims, Homeland Security guidance recommends that dispatchers should flag the addresses of “high profile individuals, government officials, law enforcement officials, or other locations that are highly susceptible to swatting” to identify potential swatting incidents. The Joint Terrorism Task Force also urges dispatchers to “immediately report” the swatting call and any pertinent information to local Fusion Centers (JTTF, n.d.). This will allow Fusion Centers to “improve situational awareness” and “collate the information” (JTTF, n.d.). Fusion centers can track “common phone numbers, tactics, language, time of day, and specific types of locations” and alert the proper public safety officials (DHS, 2025). Clear and timely communication is one of the most vital tools to combat swatting hoaxes (DHS, 2025).

²⁸ A key difference is that unlike swatters, legitimate 911 callers “do not make threats to others during their call” (Moore, 2020). Legitimate calls for help do not use if/then statements when referring to the arrival of law enforcement (Moore, 2020). For example, legitimate callers will say ‘when’ the police arrive, while swatters are likely to say ‘if’ the police arrive (Moore, 2020). Swatters who call in their threat to 911 tend to swear more often,

2.7| Prosecution Barriers

In this paper, prosecution barriers refer to any condition that will make securing a conviction for swatting more difficult. For instance, if law enforcement cannot identify a swatting caller, that swatter will not be charged in connection with their swatting call. Thus, identity concealment technology is a major barrier to prosecution. Technology allows swatting crimes to be committed from anywhere in the world. A foreign swatter will need to be extradited to be convicted in a court of law (Bernstein, 2016). However, other countries can refuse extradition,²⁹ and extradition can be costly, creating further barriers for prosecution (Garcia, 2010).³⁰

Even when a swatting offender is charged, the nature of their offense may not be captured by a criminal statute. Federal statutes³¹ fail to address all swatting crimes (Bei Li, 2018; Berris, 2025). Consider an example. Federal prosecution of threats under Interstate Threats to Kidnap or Injure³² would not be possible if the threat was locally communicated because there must be proof of interstate communication to secure a conviction under that criminal statute. Further examples are contained within Table 1.

Swatting crimes are not only prosecuted at a federal level. States prosecute swatting cases when the Department of Justice does not have the resources to dedicate to a given swatting

provide less detail about their surroundings, and be less cooperative with law enforcement than legitimate 911 callers (Laforest, 2012; Moore, 2020). Another telling sign for 911 responders, is that swatters will frequently end the call “when pressed about their motive or for names or other details that legitimate callers would readily know” (Moore, 2020). Further research should be done to explore whether artificial intelligence can be used by law enforcement to help screen calls and identify whether they seem likely to be swatting attempts.

²⁹ Extradition is an instance in which one jurisdiction transfers a defendant from their territory to a jurisdiction where the alleged crime was committed. Some countries have treaties to ensure they will each extradite accused criminals to one another (Moore, 1911).

³⁰ Extradition can be done both at a state level and a country level. States have their own extradition agreements (Garcia, 2010; Murphy, 1982).

³¹ Interstate Threats to Kidnap or Injure, 18 U.S.C. § 875(c), Bomb Threats, 18 U.S.C. § 844(e), Cyberstalking, 18 U.S.C. § 2261A(2), and False Information and Hoaxes, 18 U.S.C. § 1038

³² 18 U.S.C. § 875(c)

incident (D. Salem, personal communication, January 29, 2026). Alternatively, the Department of Justice might decline to take a swatting case when the United States Attorneys do not feel that they can meet the required burden of proof (D. Salem, personal communication, January 29, 2026). Juvenile offenders also create significant challenges for prosecution on a federal level (Bernstein, 2016). The Juvenile Justice and Delinquency Prevention Act³³ indicates that in most cases states³⁴, rather than the federal government, have jurisdiction over juvenile cases (Bernstein, 2016).

2.8| Dearth of swatting research

Though swatting is a topical issue in the United States, there are many gaps in the swatting literature. Swatting literature does not analyze state level swatting statutes in a comprehensive manner. No study has evaluated how swatting is defined within states nor how it is prosecuted. Few studies explore the prosecution of swatters, deterring future swatters, the impact of swatting on its victims, the amount of harm caused by swatting, temporal and geographic organization of swatting instances, or rehabilitative outcomes of swatters. Knowledge in each of these areas would be useful to support legislatures in their efforts to create appropriate sentencing guidelines and public policy measures.

3 | CURRENT STUDY

It is important to analyze state level swatting statutes as most juvenile swatting cases are prosecuted at a state level (Bernstein, 2016). Further, offenders may be charged with state swatting statutes when federal statutes are not applicable³⁵ or federal prosecutors elect not to

³³ 18 U.S.C. §§5031-42 (2009)

³⁴ “State, local, or Tribal juvenile justice systems are better equipped to address the harms caused by a juvenile’s delinquent actions and provide appropriate rehabilitative services” (DOJ, 2024).

³⁵ See Table 1.

prosecute the swatting. To understand the way that swatting is criminalized and prosecuted in the United States, it is necessary to evaluate state level statutes.

My study will survey the current landscape of state swatting statutes to enhance knowledge about the ways that swatting is criminalized, prosecuted, and conceptualized across America. My study will be exploratory and qualitative in nature. Specifically, I will create a database of state penal statutes that criminalize the false report of an emergency or violent crime. These statutes will be analyzed according to several key attributes. Based on the analysis, the following questions will be addressed:

1. What laws exist at the state level to prosecute swatting?
2. What are the key similarities of state level statutes regarding swatting crimes?
3. What variations exist among state level swatting statutes?
4. What are the features and discrepancies in state level sentencing options for swatting?

4 | METHODS

4.1 | Inclusion and Exclusion Criterion

Only four state swatting statutes, as of February 2026, mention the word swatting.^{36,37} However, many statutes exist that do not explicitly use the word swatting to criminalize the false reports of an emergency. I applied a functional definition of “swatting statute” rather than relying on statutory language alone. To be included in the dataset, a given state statute must meet the following criterion: the statute criminalizes the false report of an emergency or threat to life that

³⁶ Ala. Code §13A-10-9.1; Ind. Code § 35-44.1-2-3; Ohio Rev. Code § 2917.321; Wis. Stat. § 947.014

³⁷ No federal statutes expressly mention the term “swatting” (Jaffe, 2016; Hoeferkamp, 2019; Berris, 2025). As such it is sometimes said that there are no federal swatting statutes.

could lead to immediate law enforcement or public safety officer mobilization. For the purposes of this study, mobilization is defined as a physical response by law enforcement or emergency responders to the scene of the reported incident. This criterion excluded statutes that involve criminal false reporting unrelated to swatting, such as falsely reporting one's identity, monetary assets, or professional licensure. This criterion also allows for the inclusion of multiple statutes from a single state. For instance, the Connecticut penal code had four statutes that met the inclusion criterion, so I included all four in the database.

Statutes that specified a form of law enforcement response that did not involve physical mobilization, were not included in the dataset. As an example, the activation of a statewide AMBER or Silver alert³⁸ was not considered a form of mobilization. Consequently, statutes³⁹ that criminalize making a false report that leads to the activation of either alarm are not included in the dataset. However, I did include statutes that didn't specify a physical law enforcement when the nature of the reported incident would reasonably require an immediate physical response from public safety officials (e.g. fire or explosion).

Swatting may be prosecuted with statutes that do not directly criminalize the false report of an emergency. Consider an example, in 2025, an Alabama man was charged with “10 counts of swatting, two counts of impersonating a peace officer, making a false report to law enforcement, and using a false identity to avoid arrest or hinder prosecution” (Delcambre, 2025).

³⁸ An AMBER alert is an alert for abducted children, and a silver alert is the term for an alert related to endangered elderly individuals and adults with cognitive dysfunction (Office of Justice Programs, 2025; Wasser & Fox, 2013). “AMBER Alerts interrupt regular programming and are broadcast on radio and television and DOT highway signs. AMBER Alerts can also be re-disseminated through lottery, digital billboards, Internet Ad exchanges, Internet Service Providers, Internet search engines, as well as wireless devices such as mobile phones.” (Office of Justice Programs, 2025) The silver alert functions similarly.

³⁹ Nev. Rev. Stat. § 207.285 - Making false or misleading statement to cause activation of Statewide Alert System for the Safe Return of Abducted Children or Statewide Alert System for the Safe Return of Missing Endangered Older Persons

Though impersonating a peace officer and using a false identity⁴⁰ were actions taken to further the crime of swatting, these acts do not constitute the false report of emergency. However, these statutes will be excluded from my database as they do not meet the inclusion criterion. My database will only include statutes that directly criminalize the false reporting of an emergency.

When it is ambiguous whether a statute meets the inclusion criterion, it will be left out of the dataset. Ambiguous statutes are listed within the appendix for transparency. The main instance in which I designated statutes as ambiguous was when it was unclear if the false report would reach law enforcement, but certain that if the report reached law enforcement, mobilization would occur. A statute criminalizing making a terrorist threat to any other individual would be categorized as ambiguous.⁴¹ No Institutional Review Board (IRB) approval was necessary for this study because all data is sourced from the text of publicly available state legal codes.

4.2 | Data Collection and Coding

4.2.1 | Statute Identification

I located the penal codes for each state through the online website for Cornell Law School's Legal Information Institute (LII), which compiles weblinks for the official state statutes.⁴² I cross-referenced these weblinks using the Georgetown Law Library's Statutes Research Guide⁴³, which has a similar compilation. A link would be selected when there was agreement between the LII and Georgetown Law Library. Agreement meant that both sources provided links to the same webpage. There was 74% agreement (n = 37 states) between the two

⁴⁰ Ala. Code § 13A-8-194

⁴¹ Ky. Rev. Stat. Ann. § 508.075

⁴² <https://www.law.cornell.edu/states/listing>

⁴³ <https://guides.ll.georgetown.edu/home>

sources regarding the official statute weblinks. However, in two of those cases both Georgetown and Cornell listed a weblink that was no longer active⁴⁴. With those two states I instead used a google search and my judgement to determine the weblink for the official state penal code. In the states with disagreement between the LII and Georgetown Law Library, I used my judgement to determine what the proper link and webpage was. In 6% of states (n = 3), the website was the same, but the webpages were different. In the remaining 20% (n =10) of states the weblinks were different.⁴⁵

After a webpage was located for every state's legal code, I identified the criminal penal section. Next, I selected subsections relating to "the ability of a state's public safety operations to function as intended". These subsections had titles such as - public justice; public administration; public safety; public peace; and public order. I selected these sections because they contain penal codes related to the ability of a state's public safety operations to function as intended. Swatting is one such crime that can impact public safety operations. Many of these subsections were labeled with names such as "public order", "public safety", and "public justice". By limiting my search to these sections, I excluded false reporting penal statutes unrelated to swatting, such as false swearing⁴⁶, the false report of assets collected during a seizure by law enforcement⁴⁷, fraudulent fire insurance application or claim⁴⁸, or libel⁴⁹. Finally, I manually reviewed all statutes within these subsections and measured the statutes against the inclusion criterion. Connecticut did not have subsections within its penal code, so this step was not completed.

⁴⁴ Weblinks provided were not active for Alabama and Kansas.

⁴⁵ The states that had weblink disagreement were: Arizona, Arkansas, Maryland, Nevada, New York, North Carolina, Pennsylvania, Rhode Island, Tennessee, Virginia, and Wyoming.

⁴⁶ Or. Rev. Stat. § 162.075

⁴⁷ Tex. Penal Code Ann. § 103.05

⁴⁸ Ariz. Rev. Stat. § 44-1220.0

⁴⁹ N.M. Stat. Ann. § 30-11-1

Limiting the search of statutes to sections related to public administration caused some statutes that met the inclusion criterion to be missed, such as a false report statute dealing with false emergencies that is located in the Weapons and Explosives subsection.⁵⁰ To account for this, on all the state websites that had a search feature, I input the words “false emergency” and “false alarm” into the search bars on each state penal code website. I selected these words because they reflected the essential inclusion criterion that a report be both false and communicating an emergency.⁵¹ Nevada, North Dakota, and Oklahoma did not have a search feature, so this step was not completed for those jurisdictions. I reviewed all the search results and applied the inclusion criterion.

Additionally, the Council of State Governments website had a page that compiled swatting and doxxing statutes within the 50 states⁵². This served as a source to assist with statute identification and ensure that the manual search method had not failed to identify the listed statutes. When a statute was contained on the list that was not found during the manual search, it was in the penal code and analyzed to determine admission into the database. During the compilation of data, the web page was removed. The wayback machine internet archive was used to continue accessing the website.⁵³

⁵⁰ N.M. Stat. Ann. § 30-7-21

⁵¹ When available, a filter was used to limit search results to instances of “false emergency” found within the penal code. When a filter was unavailable, search results contained instances of “false emergency” within other sections of the state legislature that were outside the scope of my study such as proposed bills, press releases, and civil codes. A filter is a method by which to limit the search results.

⁵² The Council for State Governments [CSG] tracked and compiled a database of states that have created swatting statutes or and passed amendments to existing statutes to create clauses that can be used to prosecute swatting. The website reports that “[s]ince 2013, 15 states have enacted legislation to expand the scope of existing false reporting laws to directly address swatting”. Specifically, “25 states have enacted legislation to increase criminal penalties for those convicted of a swatting-related crime” (CSG, 2025). Their research states that another 12 states have created restitution clauses (CSG, 2025). These are the only three metrics the CSG tracks regarding state level swatting laws. It is unclear what methodology was used to create the database.

⁵³ I used the link <https://www.csg.org/2025/04/22/doxing-and-swatting/> and the date September 13, 2025 to access the removed CSG webpage in the internet archive.

I gathered all the data in the dataset directly from the official state penal codes. I did not use any secondary sources to interpret the content of each statute. Data collection and reverification happened up until February 1st, 2026. For transparency, I attached an appendix of all the statutes contained within the dataset as they appeared on February 1st, 2026. Law is an evolving body, and it is possible that the database would look different if compiled later using the same methodological approach.

4.2.2 | Identifying and coding attributes

I created my database using an inductive qualitative content analysis. This method allows researchers to develop meaningful categories using their raw text (Schneijderberg, 2025).⁵⁴ Inductive qualitative content analysis is best suited for underexplored subjects (Schneijderberg, 2025). Consequently, I used this approach to explore state level swatting statutes. As opposed to other qualitative methods like interviews and surveys, which are done on an individual level, using a qualitative content analysis can reveal a cultural-level attitude towards crime (Kort-Butler, 2016). This makes the qualitative content analysis well-suited to evaluate meaning within state level swatting legislation.

My initial statute review identified several characteristics of swatting statutes.⁵⁵ As my research progressed, I narrowed down these characteristics to provide the most relevant findings within a limited timeframe for research. Characteristics selected for further analysis were: the *mens rea* and *actus reus* requirements that violate the statute; the offense severity for violating the statute; the sanctioning options for violating the statute; the enhancements contained within

⁵⁴ Kracauer is credited as the founder of qualitative content analysis. He discussed this approach in his 1952 article, “The Challenge of Qualitative Content Analysis” (Schneijderberg, 2025).

⁵⁵ Initial statute review led to the following list of attributes: The number of state swatting statutes; *mens rea* requirements; *actus reus* requirements; type of report made; target of report; law enforcement response type; offense severity; sanctioning options; statutory enhancements; jurisdiction; the date of creation of each statute; the dates of amendments of each statute.

the statute; jurisdiction; inadequate defenses; explanation for the statute's inclusion within the penal code.

I broke down most characteristics into constituent elements for coding. Characteristics were broken down as follows:

- ***Mens rea*** consists of purposeful/intentional, knowing/willful, reckless disregard, and negligence. These are the four categories of *mens rea* recognized by the model penal code. Purposely/intentionally entails that a defendant hoped their actions would cause criminal conduct to occur. Knowingly/willfully means that a defendant was “practically certain” that their actions would cause criminal conduct. Reckless disregard is when a defendant ignored a “substantial and unjustified” risk. Negligently is when a defendant should have been aware of a risk but wasn’t. These *mens rea* categories are ordered from most blameworthy to least blameworthy.
- ***Actus reus*** consists of making/initiating, causing, circulating, and aiding and abetting. Making the false report entails being the individual to communicate the false report to law enforcement. A person who causes a false report to be made takes actions that lead to another individual reporting a false emergency. One who circulates a false report has taken an action to transmit awareness of a false report to another individual. Aiding and abetting the communication of a false report captures an individual who helped facilitate the swatting crime (U.S. Department of Justice, n.d.). Providing identity concealing technology to a swatter or paying a fee to a swatter so that they will target a specific victim would both be considered aiding and abetting the swatting. The *actus reus* terms are ordered from most direct to least direct involvement.

- **Offense severity** consists of misdemeanor, felony, and both. My category of ‘misdemeanor’ includes any statute that carries an incarceration term of 365 days or less and my category of ‘felony’ includes any statute with an incarceration term longer than 365 days (Samaha, 2014 pp. 14; National Conference of State Legislatures, 2019). Statutes coded as both reflected statutes where a misdemeanor sanction would be assigned when the false report was related to a misdemeanor crime and a felony sanction would be assigned when the false report was related to a felony crime.
- **Enhancements** consists of the most common statutory enhancement I saw. Frequent enhancement types were: causing bodily harm to any individual, causing the death of any individual, having a prior conviction under the statute, targeting a victim because of a protected identity, reporting a false emergency regarding a weapon of mass destruction, and targeting an educational institution.
- **Sanctions** consists of base level maximum incarceration length, enhanced level maximum incarceration length, presence of a restitution clause, and presence of a community service sanction.
- **Jurisdiction** is not broken down further. This characteristic tracks whether language is present in the statute that defines the jurisdiction of the swatting statute.
- **Inadequate defense** was not broken down further. This characteristic tracks whether a statute provides language regarding defenses that would be inadequate to prevent prosecution.
- **Explanation** was not broken down further. This characteristic tracks whether a state provided commentary containing an explanation for the inclusion of a swatting statute within their penal code.

I selected these characteristics because they represent essential elements required for swatting prosecution and sentencing. I coded each statute to reflect whether a characteristic was present (1) or absent (0). Base level and enhanced level incarceration length were coded quantitatively. When incarceration sentences could not be determined from the text of the statute, I determined the sentence length using the state sentencing guidelines contained within each state's official penal code. After coding, I created frequency tables to identify similarities and variations across states and statutes.

4.3 | Appropriateness

4.3.1 | Appropriateness of Methodology

My study applied an established state statute comparison method. The method known as the "50-state survey" allows comparison between similar statutes or policies across all 50 states. Researchers have used this method to contrast statutes in each state relating to topics like guilty pleas, criminal sexual assault, school readiness, educator assault, juvenile waivers, and public school educational standards (Zoltoli et al. 2019; DeMatteo et al., 2015; Saluja et al., 2000; Arkin, 1999; Merlo et al. 1997; Fritsch & Hemmens, 1995; Goertz, 1986). The research questions, methodology, and analytic approach used in the present study are guided by this body of literature. Many of these 50-state surveys have used an inductive qualitative content analysis to analyze their findings.

4.3.2 | Appropriateness of Dataset

Statute is the unit of analysis for my study. However, my tables are analyzed both at a state and statute level to provide a clear picture of what is typical on both levels. An analysis on a state level also ensures that states with more statutes were not over-represented in the dataset. Much of my analysis will focus on the state level. My dataset provides a comprehensive

assessment of state swatting statutes. My dataset includes all 50 states and sourced statutes from the official state penal codes of each state. Coding and analysis within the database rely on the verbatim wording of the statutes. I interpret the statutes without any secondary sources. The coding of the dataset reflects an objective presence or absence of a characteristic and can provide a measure of what is typical across state level swatting statutes. I identified characteristics identified inductively and all characteristics relate to my research questions.

4.4 | Limitations

The dataset is limited in the sense that it only examines statutes at the state level. Additionally, my dataset only includes statutes that meet my definition for swatting. Yet, a swatting offender may be charged with statutes that do not meet my inclusion criterion.⁵⁶ This hinders my study's ability to accurately explore the cultural-level attitude⁵⁷ of the United States towards the crime of swatting. Without consideration of a broader range of state level statutes, or the inclusion of city-level and federal-level statutes, the present study is an incomplete compilation of the statutes that are used on a national level to criminalize and prosecute swatting.

The study design is also flawed because I am the only researcher evaluating which statutes meet the inclusion criterion. Similar statute surveys use multiple researchers to cross-check one another's identification, but this is not an option in this study (Fritsch & Hemmens, 1995; Zoltoli et al., 2019). In a similar vein, I am the only researcher deriving meaning from these statutes and my evaluation may be influenced by internal biases.

The current study also lacks data about the application of these statutes in case law, which could provide insight into the variation in swatting response across jurisdictions. Case law

⁵⁶ For instance, a statute that may be relevant to a swatting incident, such as Utah Code Ann. § 76-12-207 which criminalizes manipulating the identity information of a call or text message, would not be analyzed as a "swatting statute" as it does not address law enforcement mobilization.

⁵⁷ See Kort-Butler (2016) exploration of how law reveals the attitude of society.

may also provide an understanding of the average sentence for people convicted of swatting offenses and whether swatting statutes are typically prosecuted in conjunction with other statutes, and how that impacts sentencing outcomes.

5 | RESULTS

My findings reveal that there is a lack of uniformity regarding the criminalization of swatting at a state level. Dominant themes emerge regarding *mens rea*, *actus reus*, and offense severity. Significant variation exists within many of the characteristics I analyzed.

5.1 | Sample

The database consists of 71 state penal statutes across 44 states. Using my data collection methodology, I did not identify any swatting statutes in Idaho, Iowa, Mississippi, Nevada, North Carolina, South Carolina. Some jurisdictions include multiple statutes within the database.⁵⁸ Tables 2 and 3 provide further details about the composition of the dataset. Using the dataset, I derived frequency tables to analyze patterns at a state and statute level. Tables with the label of “a” are analyzed at a state level, using a denominator of 50. Tables with the label of “b” are analyzed at a statute level, using a denominator of 71.

⁵⁸ American federalism divides governing authority between the federal government and the states, allowing each state to create its own penal code and sanctioning guidelines. As such, each state may approach the creation of swatting legislation differently. A state like New York has three separate statutes for falsely reporting an incident in the first, second, and third degree (N.Y. Penal Law § 240.50; N.Y. Penal Law § 240.55; N.Y. Penal Law § 240.60). Florida, however, has a single statute that contains the first, second, and third-degree violation of false reports of commission of crime (Fla. Stat. § 817.4, 2025). Therefore, a jurisdiction having more swatting statutes within my database does not reflect that the jurisdiction is more equipped to prosecute swatting. Regarding the interaction between state and federal laws in America, the supremacy clause of the United States Constitution ensures that federal law overrides state law. States are often legally restricted from creating legislation that contradicts federal laws.

5.2 | *Mens Rea*

Mens rea, literally “guilty mind” in Latin, is the awareness of wrongdoing that a defendant must possess to violate a criminal statute (Samaha, 2014 pp. 124). Variation in statute structure can make it difficult to conduct a direct comparison of *mens rea* requirements.⁵⁹ My analysis will focus on the *mens rea* necessary when making a false report of emergency, an act that is shared across all statutes. In Table 4a and 4b, I record the *mens rea* of making a false report.

The element of *mens rea* was a dominant theme across state swatting statutes. Nearly every swatting statute (91.5%) and state (86%) require a defendant to have knowledge that the report was false to be convicted of the crime. This protects proxy swatters, like suicide hotlines,⁶⁰ mandated reporters, and good Samaritans from being prosecuted if they unintentionally communicate a false report believing it to be true. Statutes (8.5%) that have a *mens rea* requirement of purposefully/intentionally similarly account for third party reporters.

5.3 | *Actus Reus*

In addition to *mens rea*, another dominant theme of state swatting statutes was the element of *actus reus*. *Actus reus* refers to the specific voluntary conduct that violated the criminal act (Samaha, 2014 pp. 94).⁶¹ Table 5a displays three main categories of *actus reus* that

⁵⁹ Some states have additional *mens rea* requirements that are not contained within the model penal code’s categorization. related to other elements of swatting crime. For example, statutes in California, Massachusetts, and Virginia use the *mens rea* requirement of “malicious”, requiring that a swatter acted with the wish to cause harm, but not requiring certainty or knowledge about the result of their false report (Legal Information Institute, 2025). An Oklahoma statute uses the *mens rea* requirement of “reasonable belief”, requiring that a swatter understand, but not be certain, that a likely consequence of their action would be law enforcement mobilization and harm to the victims. These additional *mens rea* requirements can create further barriers for prosecution. Swatters may claim that they could not foresee the outcome of their actions and did not have any malicious intent. A state like New Jersey, which uses a strict liability standard for swatting that results in bodily injury or death, overcomes these arguments. The four statutes that have a *mens rea* requirement of reckless disregard ensure that a prosecutor can meet the standard of proof even if a swatter claims to have not been aware of the likely outcomes of their false report.

⁶⁰ See discussion of “swatting by proxy” (Baker, 2025) in section 2.5.

⁶¹ *Actus reus* may also be proven through the failure to act but is not met through an involuntary act.

states have in their swatting statutes: making a false report; causing a false report to be conveyed; circulating a false report. Table 5b shows this breakdown by statute. Thirty states (60%) include multiple forms of *actus reus* within their statutes. Table 5c displays the distribution of *actus reus* requirements in states with only one form of *actus reus*. The most typical *actus reus* element among state swatting statutes is the act of making or initiating a false report, appearing in 91.5% (n = 65) of swatting statutes and 84% (n = 42) of states. Other common *actus reus* violations are causing a false report to be made (52% of states) or circulating a false report (22% of states). Two states⁶² (4%) have also criminalized “aiding and abetting another” to make a false report. An *actus reus* of aiding and abetting can help convict individuals who were involved in the swatting but did not initiate or help transmit the swatting call. This *actus reus* language may be especially helpful to convict individuals who are part of a swatting conspiracy.⁶³ Such individuals may not be convicted under the other *actus reus* forms that require more direct involvement.

5.4 | Offense Severity

In Tables 6a, 6b, 7a, 7b, I have divided offense severity into two categories - misdemeanor or felony. In Tables 6a and 6b I use the term “base level offense severity” to refer to the offense severity of swatting without any statutory enhancement. Cases where a false report was a misdemeanor (when the falsely reported incident was a misdemeanor) and a felony (when the falsely reported incident was a felony), were coded as “Both”.⁶⁴ States that did not have a swatting statute contained within the database were coded as “Not Applicable” in Table 6a. The

⁶² Utah Code § 76-9-105.5; 13 V.S.A. § 1751 (Vermont)

⁶³ For example, John William Kirby Kelley conspired with an online neo-nazi group to complete at least 134 swatting calls (Choi, 2021). While he did not make the false report through his actions he facilitated another’s ability to make the swatting call.

⁶⁴ Ala. Code §13A-10-9.1; MCL 750.411a (Michigan)

offense severity for the sanctions assigned to any non-swatting violations contained within the swatting statute were not coded.⁶⁵

Tables 6a and 6b identify the maximum base level offense severity. The “maximum base level offense severity” refers to the maximum period of incarceration that an offender could receive from the swatting statute assuming there are no penalty enhancements 38 states (76%) and 48 statutes (67.6%) have a maximum base level offense severity of misdemeanor. In Tables 7a and 7b I use the term “maximum enhanced offense severity” to refer to the offense severity assigned to the most severe statutory enhancement. The maximum enhanced offense severity is a felony in all but one of the thirty states with enhancements (96.6%).⁶⁶

5.5 | Enhancements

An enhancement is a legal condition that increases the incarceration term and sentencing outcome “for a crime based on aspects of how the crime was committed or who committed it” (Schlesinger, 2011). Thirty states (60%) have codified enhancements. In Tables 8a and 8b, I explore the presence of swatting enhancements and their variation in swatting enhancements. The most prevalent enhancement clause is an increased penalty for false reports that result in bodily harm ($n = 20$) to any individual. Other recurring enhancement clauses related to false reports that resulted in the death of any individual ($n = 16$), a defendant’s prior conviction under the statute ($n = 9$), false reports where there was an alleged use of a weapon of mass destruction⁶⁷ ($n = 5$) and false reports that target educational institutions ($n = 3$) or that

⁶⁵ The offense severity of other violations contained within identified swatting statutes such as a false report to the Department of Natural Resources concerning the condition of a dam or reservoir (Alaska Stat. § 11.56.800), sending or placing a facsimile bomb (Cal. Penal Code § 148.1), or preventing a legitimate emergency alarm from sounding (Colo. Rev. Stat. § 18-8-11) are not reflected within the tables.

⁶⁶ Calculated as 29/30 to reflect that 96.7% of swatting enhancements carry an offense severity level of felony. However, only 58% of states have enhancements that are a felony level offense.

⁶⁷ Defined in appendix

target a victim due to their protected identity⁶⁸ (n = 3). There are 15 other unique enhancements contained within state level swatting statutes. To illustrate, in Minnesota⁶⁹ defendants can receive enhanced sanctions for targeting an elected official, a judge, a prosecuting attorney, a correctional employee, or a peace officer. This is not an enhancement that exists within other states.

5.6 | Sanctions

5.6.1 | Incarceration

Incarceration is a sanctioning option used to punish, deter, incapacitate, and rehabilitate offenders (DOJ, 2000). Table 10 displays both the maximum incarceration length for a base level offense and the maximum incarceration length for an enhanced offense. Table 9 displays the significant variation between statutory swatting incarceration options organized by state. Maximum base level incarceration ranges from 90 days to 15 years. The mean base level incarceration length is 1.75 years with a median of 1 year. Maximum enhanced incarceration ranges from 30 days to 99 years. The mean enhanced incarceration length is 15.5 years, and the median is 10 years. In both base level and enhanced level incarceration lengths there is a right-skew indicating that data may be more concentrated at lower ends of the range, but the mean is being pulled up by a few larger numbers.⁷⁰

To improve readability, I created Table 10 and Table 11 to provide a distribution of maximum base level and enhanced level incarceration lengths. Bounds were created to display

⁶⁸ These enhancements can be conceptualized as hate crime enhancements.

⁶⁹ Minn. Stat. § 609.78

⁷⁰ Uniquely, in Louisiana hard labor can be an additional requirement of mandated incarceration (La. Stat. Ann. § 126.1.1.)

the most common groupings of incarceration lengths. Each bound captures incarceration lengths greater than the previous bound's upper limit and less than or equal to the bound's labeled value.

5.6.2 | Restitution

Restitution is a term that refers to reimbursing the costs of damages (DOJ, 2023). A court may order restitution during sentencing (DOJ, 2023). Restitution statutes are built into many statutes to ensure that the state government and taxpayers do not shoulder this burden.⁷¹ Tables 12a and 12b show the frequency of a restitution clause at both the state and statute level. The financial damage incurred from a swatting call can be tens of thousands of dollars (FBI, 2013). In 2017, swatter Jason Neff was ordered to pay \$79,440.60 in restitution and sentenced to 5 years in federal prison (DOJ, 2015).^{72,73} In 2024, an 11-year-old was ordered to pay a restitution amount of \$46,234.33 “to the Flagler County Sheriff’s Office for the cost of the investigation and responses to the schools from his calls” (Hogan, 2024; Flagler County Sheriff’s Office, 2024a).^{74,75}

I identified restitution clauses in the statutes using the words “restitution”, “reimburse”, “liable for expenses”, and “pay costs”. 44% of states (n = 22) and 39.4% (n = 28) state swatting statutes included a clause for restitution payments. Not all states with restitution clauses apply them in the same way. A state like Illinois⁷⁶ limits restitution payments to a maximum of

⁷¹ A state that does not have a restitution clause may still pursue other civil or criminal prosecution to recover the expense of responding to and investigating a swatting call.

⁷² Though this case was prosecuted federally, it serves as an example for how restitution might be assigned. Restitution was ordered to: three phone providers; the Snohomish County Sheriff; four individuals; a private company. It is also interesting to note that telecommunications companies, rather than victims of law enforcement, received 86.6% of total restitution payment.

⁷³ United States v. Neff (2017)

⁷⁴ He was charged under Fla. Stat. § 790.163.

⁷⁵ This boy called in 25 bombing and shooting threats to county schools which resulted in 168 patrol hours responding to schools from the Flagler County Sheriff’s Office and another 755 hours of work by the Homeland Security and Investigations Section, Cyber Crimes and Criminal Intelligence Unit, and Digital Forensics Unit (Flagler County Sheriff’s Office, 2024a, Flagler County Sheriff’s Office, 2024b).

⁷⁶ 720 ILCS 5/26-1 (Illinois)

\$10,000 and restitution only covers the cost of response by the public agency that intervened. However, the Georgia statute⁷⁷ has no maximum payment and allows restitution payments “to any affected natural person or public or private entity for the reasonable costs or damages associated with the offense, including, without limitation, damage to property, expenses to treat bodily injuries, and the actual value of any goods, services, or income lost as a result of such violation”.

5.6.3 | Other Sanctions

Some states have sanction options beyond incarceration and restitution like fines or community service. I did not measure fine presence and amount in this study.⁷⁸ Community service was a sentencing option in three states. In Delaware,⁷⁹ the court is ordered to assign a “minimum of 100 hours of community service” to swatting offenders and in Illinois⁸⁰ community service should be assigned “for not less than 30 and not more than 120 hours”. Vermont also mentions a community service sanction but the decision to assign community service and the amount of community service required is left to the discretion of the court.

5.7 | Jurisdiction

The traditional model of jurisdiction relied on physical territory (Brenner & Koops, 2004). Cybertechnology now allows an individual to commit a crime, like swatting, in a physical location without ever physically being there themselves (Brenner & Koops, 2004; Estes, n.d.). For states to prosecute swatting, it is essential that they can prove jurisdiction over the crime. I

⁷⁷ Ga. Code. Ann. § 16-10-28

⁷⁸ As a matter of timing, I was unable to do this research.

⁷⁹ 11 Del. C. § 1245

⁸⁰ 720 ILCS 5/26-1 (Illinois)

searched for the language “jurisdiction”, “venue”, “prosecuted in” and “tried” to identify statutes that defined swatting jurisdiction requirements.

In Tables 13a and 13b, I sort states and statutes by “Yes” when their jurisdiction is defined and “No” when it is not. 18% (n = 9) of states and 15.5% (n = 11) of statutes defined their jurisdiction. Consider an example, in Colorado⁸¹ “the defendant may be tried in the county where the defendant made the report, the county where the false report was communicated to law enforcement, or the county where law enforcement responded to the false report”. Similarly, in Kentucky⁸² the crime of swatting “may be prosecuted in any county where: the defendant resides; the false report was communicated; or there was an emergency response to the false report”. The other 70% (n = 35) of states and 84.5% (n = 60) of statutes did not define their jurisdictional reach over swatting crimes.

5.8 | Inadequate Defenses

Four states include language about inadequate defenses in their swatting statutes. An understanding of inadequate defenses can provide useful information about the ways in which swatting is prosecuted. Colorado and Ohio both specify that a defendant’s lack of “the intent or capability of committing the threatened or reported act” is not an adequate defense. Both Kansas and New Jersey codify that ascribing responsibility to law enforcement for any outcomes of bodily injury or death will not preclude the defendant from being held accountable for those harms. New Jersey also specifies that a lack of awareness that there is a declared state of emergency does not defend against the enhanced punishment for a false report during a state of emergency.

⁸¹ Colo. Rev. Stat. § 18-8-111

⁸² Ky. Rev. Stat. Ann. § 519.040

Missouri is the one state that gives an example of adequate defense. In Missouri, it is an adequate defense to retract the false report “before the law enforcement officer or any other person took substantial action in reliance thereon”. The defense is only applicable when the report is retracted prior to substantial action. While this may not preclude the prosecution of that defendant, it does serve as a mitigating circumstance.

5.9 | The Statutes in Their Own Words

Three statutes provide a rationale for their criminalization of the false reporting of an emergency. These commentaries provide several explanations for the dangers of swatting. Understanding why states created swatting statutes can provide insight regarding the social values beneath these laws. Florida⁸³ explains that they criminalize false reporting as it is a “threat to public safety and a threat to the safety of law enforcement officers and other first responders”. In Hawaii⁸⁴ the main concern related to swatting is a “waste of government resources and the likelihood that the actor will cause personnel or equipment to be unavailable to deal with real emergencies”. Similarly, in Nebraska⁸⁵ the legislature aims to criminalize acts that misuse the “time and efforts of law enforcement personnel” and obstruct “the performance of their duties”. Each of these statutes focuses on the threat to law enforcement and the public rather than the harm caused to victims. This may be because every swatting response impacts law enforcement resources while only a subsection causes physical harm to victims.

⁸³ Fla. Stat. § 817.49

⁸⁴ Haw. Rev. Stat. § 710-1014

⁸⁵ Neb. Rev. Stat. § 28-907

6 | DISCUSSION AND IMPLICATIONS

As of February 1st, 2026, there are 71 state penal statutes that can be used to prosecute swatting, as it is defined in this paper. At the time of this study, Idaho, Iowa, Mississippi, Nevada, North Carolina, and South Carolina did not have any statutes addressing swatting.

States do not approach swatting prosecution in a unified manner. Only four states make use of the word “swatting” (n = 4) with many other states criminalizing swatting under false reporting (n = 26) or false alarm (n = 14) statutes. 67.6% of swatting statutes are misdemeanor offenses (n = 48) and nearly every statute requires a defendant to knowingly make a false report (91.5%). There are a variety of enhancements that states may have for swatting offenses. The most typical is an enhancement for bodily injury (40%) and death (32%) occurring as a direct result of the false emergency report. Enhancements usually result in felony charges (96.6%)⁸⁶ and thus longer periods of incarceration.

Without aggravating factors, swatters are likely to receive a sentence that includes a period of incarceration up to a year of incarceration (76%). About 40% of statutes have a restitution clause for impacted entities and individuals to recover damages from the swatting incident. Jurisdiction remains a complicated issue for cybercrimes like swatting. 15.5% of swatting statutes specify what their jurisdictional reach is.

6.1 | Social Values

State level statutes may indicate a national attitude towards swatting. Statutes reflect the social values in a society (Dror, 1957). Law constructs a framework to define socially unacceptable actions. Differences in sentencing severity communicates the extent to which an action is unacceptable. Harsher sentences are prescribed for actions that are less acceptable.

⁸⁶ Calculated as 29/30 to reflect that 96.6% of enhancement carry an offense severity level of felony.

In 76% of states (n = 38) a base level swatting offense is a misdemeanor. Misdemeanors are referred to as “lesser” crimes than felonies because they carry a shorter incarceration period and unlike felonies do not result in collateral consequences (such as loss of voting rights, jury service ineligibility, and barriers to firearm access) (Simmons, 2024). Consequently, misdemeanors are often assigned when society views offenders as non-dangerous and can participate in society without permanent restriction. Codifying swatting as a misdemeanor rather than as a felony suggests that many state legislators treat swatting as a lesser offense, despite its documented harm. The framing of swatting as a non-dangerous crime seems to contradict the exigent literature. Swatting has caused death, injury, and financial harms (PoliceMag, 2015; Police1, 2015; DOJ, 2019; Cramer, 2021; Langford, 2021; Gall, 2024; Blackwell, 2023; Murphy-Sterger, 2024).

Categorizing swatting as “non-dangerous” can have implications on law enforcement efforts. Law enforcement may choose not to spend large amounts of resources on investigating, extraditing, and prosecuting a crime that they view as less serious and non-dangerous. This is especially given the research that law enforcement who respond to swatting calls can experience delayed response and fatigue (DOJ, 2025). Taken together, law enforcement may choose to spend less resources combatting the crime of swatting. Prosecutors may also be impacted by the perception that swatting is less serious causing them to expend fewer resources securing a conviction.

6.2| Barriers to Prosecution

U.S. Supreme Court decisions⁸⁷ hold that state prosecutors must prove all elements of a crime beyond a reasonable doubt (Spradlin, 1977). “Beyond a reasonable doubt” is the highest standard of proof (Samaha, 2014 pp. 31). 86% (n = 43) of states and 91.5% of statutes (n = 65) require prosecutors to prove that a defendant communicated a swatting report with knowledge that the report was false. Earlier literature indicated that a high proportion of swatting offenders are juveniles (Bernstein, 2016). However, proving a *mens rea* of knowing may be especially difficult in juvenile cases. Contemporary Supreme Court cases⁸⁸ have shown that juvenile “decision-making processes and cognitive development” is not equivalent to that of an adult (Carroll, 2015). As such, adult *mens rea* standards cannot necessarily be applied to juveniles (Carroll, 2015). In juvenile swatting cases it may be challenging for the prosecution to meet the burden of proof for a *mens rea* requirement of knowing. A lower level *mens rea* requirement (e.g. reckless disregard, negligently) could minimize this challenge. However, the *mens rea* of “knowingly” is necessary to protect third-party swatters, mandated reporters, and good Samaritans from prosecution because these entities did not “know” they were communicating a false report.

Actus reus requirements in which a defendant can be prosecuted for “causing” a false report to be made or “circulating” a false report can ensure that someone is held accountable for the swatting incident even when communicated through a third-party. However, there are 11 states (22%) where the *actus reus* requirement is “making” a false report to be made. These statutes may implicate third-party proxy reporters and fail to meet the burden of proof with

⁸⁷ Spieser v. Randall, 357 U.S. 513 (1958); Lynch v. Overholster, 369 U.S. 705 (1962); In re Winship, 397 U.S. 358 (1969); Mullaney v. Wilber, 421 U.S. 684 (1975)

⁸⁸ Roper v. Simmons (2005), Graham v. Florida (2010), Miller v. Alabama (2012)

regards to the swatter. When using a proxy, the swatter is not the individual who made the report to law enforcement. This prosecution barrier can be addressed by expanding the *actus reus* requirements to “causing”, “circulating” and “aiding and abetting”.

Another significant barrier to prosecution is jurisdiction. As noted, cybercrimes can occur anywhere in the world (Brenner & Koops, 2004; Estes, n.d). It is essential to prove jurisdiction to extradite an individual for prosecution (Garcia, 2010). Ambiguous jurisdiction may allow swatters to challenge the venue of prosecution which may delay or prevent convictions (Teng, 2017; Coupland, 2025). This prosecution barrier can be addressed by creating clear statutory language about the jurisdiction a state has over swatting cases.

6.3 | Deterrence

Deterrence theory posits that to dissuade a specific crime, citizens must feel that their punishment for committing the offense will be certain, swift, and severe (Beccaria, 1764; Bentham, 1789). The findings of my study suggest that the current swatting statute landscape fails to address these elements. Prosecution barriers discussed earlier, such as an inability to identify a defendant using identity concealing technologies or extraditing foreign offenders, may reduce the certainty of punishment (Kao & Wang, 2009; Hoferkamp, 2019; Campbell & Jaeger, 2024; Baker, 2025). These prosecution barriers delay the swiftness of prosecution. Lastly, the prevalence of base level misdemeanor offenses (76%) raises concerns about whether the sanctions for swatting are severe enough to create a deterrent effect.⁸⁹

⁸⁹ In Oregon, law enforcement deployment that “resulted in death or serious physical injury to another person” comes with an incarceration period of at least 30 days (Or. Rev. Stat. § 162.375). Such a short minimum incarceration period raises questions regarding proportionality. Of course, courts may deem a lengthier sentence more appropriate, but the language of the statute implies that 30 days would be a reasonable sentence for actions that resulted in death.

6.4 | Strengths and Limitations

My study effectively identified dominant themes and variations within state swatting statutes. These themes and variations contribute an understanding of what is typical with regards to the criminalization of swatting. While my study discusses sanctioning options, without case law it is impossible to know how these statutes get applied considering prosecutorial discretion. Swatting offenders may receive plea deals with sanctions outside of the statutory language or may be convicted in conjunction with other statutes that impact sanctioning.

My coding method displays comprehensible data about the frequency of a given element in both states and statutes. However, the coding framework does not display nuance in statutory language. For example, the Illinois statute is recorded as “Yes” for containing a restitution clause. The word “Yes” does not clarify that in Illinois, swatting restitution is granted only up to \$10,000 and is not available to victims.⁹⁰

6.5 | Future Research

This study attempts to explain the features of swatting criminalization and prosecution at the state level. Though the language of the statutes is presented, swatters may be charged with a variety of statutes and may be offered plea deals that do not reflect the sanctioning options listed within the statute. As such, this study does not fully capture the ways in which swatting is criminalized and prosecuted at a state level. Additionally, this paper did not account for prosecutorial decision making. The initial charges a prosecutor brings may also be different than the statutes under which a swatter is eventually convicted. Future research should use case law to explore the statutes by which swatters are convicted and which sanctions are typically assigned.

⁹⁰ Though victims are not prevented from suing civilly or using other applicable criminal statutes to recover damages.

Future research could attempt to measure the proportionality of swatting sanctioning options, both those assigned in court and those available within statutory language. A proportionality review is typically conducted to determine whether a sanction is cruel or unusual punishment. I believe it can also be used to determine whether a given statute achieves its goals through the available sanctioning options. To determine whether a sanction is proportional a court must weigh whether a sanction has a legitimate purpose, achieves its purpose, is necessary to achieve this purpose, and whether the benefits outweigh the costs (Mathews, 2017). While fine presence and amount was not measured in this study, it would be an important measure to include in a proportionality review.

New literature can continue building on the limited body of work that compares swatting to other forms of harassment and intimidation crimes, like bomb threats and cyberbullying (Bernstein, 2016; Jaffe, 2016; Nellist, 2018; Valanne, 2020; Berris, 2025). Understanding swatting within the context of these other crimes can have important implications for the prevention, intervention, education, and legislation about swatting. Additionally, research about the criminalization and long-term outcomes of offenders for these other harassment crimes may be able to inform rehabilitative approaches with swatting offenders. Developing better prevention and prosecution is important given the increasing frequency of swatting incidents.

Finally, while my research indicates variation among state swatting statutes, it does not explain the causes for that variation. Future research can be done to analyze the linguistic differences between swatting statutes and explore the way that word choice impacts prosecution rate or sentencing outcomes. Analysis of the historical, political, and sociological context for the wording of these statutes may also provide a richer understanding for the variation in wording,

sanctioning, and enhancements. Future research can analyze this database with respect to geography or state demographics such as race and socioeconomics.

7 | CONCLUSION

This study aimed to create a database of all the state swatting laws within the United States. As swatting incidents continue to become more frequent, state swatting laws can play a major role in the prosecution and sanctioning of swatting offenders (DOJ, 2025; Wang, 2025). As of February 2026, there are 71 state penal statutes that can be used to prosecute swatting, as it is defined in this paper. At the time of this study, Idaho, Iowa, Mississippi, Nevada, North Carolina, and South Carolina did not have any statutes addressing swatting. This research was able to bridge the literature gap by creating a database of state level swatting statutes and analyzing the variation in the characteristics of these statutes. This study demonstrates that most states possess some legal mechanism to address swatting. However, swatting statutes feature variation in the elements of crime, offense severity, and sanctioning options. These discrepancies may limit the ability of the criminal justice system to respond cohesively and effectively to swatting. Prosecution and deterrence are essential tools that state governments can use to combat the increasing frequency of swatting. This study provides a framework for understanding the variations in swatting statutes and their potential implications for the criminal justice system.

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APPENDIX

Key Definitions

Each of these terms may have a variety of meanings which may vary based on context and culture. For the sake of this thesis the following definitions will be used:

Cyberbullying: “The use of digital technology to inflict harm repeatedly or to bully” (Englander, et al., 2017).

Cybercrime: Cybercrime refers to the grouping of crimes whose primary mode of perpetration and communication is through technology that uses an internet network. These crimes have a global reach as offenders are not limited to a physical location.

Doxxing: “Doxxing is a complex, gendered communicative process by which one or several person(s) (doxxer/doxxers) seek private or personal identifying information about another individual (subject/target) and widely distribute it through undesired online mass media channels without the consent of that person, who would be made vulnerable by mass media disclosure” (Eckert, & Metzger-Riftkin, 2020).

False reports: The report of any information to any public safety official within their concern knowing that the event did not occur or providing public safety authorities with information relating to an offense or incident when the reporter has no personal knowledge of the offense or incident (Model Penal Code 241.5).

Hoax threat: Communicating false or misleading information about situations dangerous to life and property, with the intent to disrupt, distract, or harass individuals, organizations, and locations, under circumstances where such information may reasonably be believed and where such information indicates that an activity has taken, is taking, or will take place. Hoaxes may be directly reported or posted to social media.

IP Address: “An internet protocol (IP) address is a unique address used by certain electronic devices to identify and communicate with each other over the internet.” (Kao & Wang, 2009)

Obscene phone calls: Using a phone to communicate “any comment, request, suggestion, proposal, image, or other communication which is obscene ... with intent to abuse, threaten, or harass another person” (47 U.S. Code § 223).

Public safety officer: Someone whose official duties include responding rapidly to an emergency. Could be a volunteer agency, like firefighters or EMTs, or an official extension of the government like 911 operators, state police force, FBI.

Swatting: The false report of an emergency with the intent to cause an immediate law enforcement response.

Virtual Private Network: Virtual Private Networks, also known as VPNs, are tools used to conceal the IP address of a device. The IP address is a way that law enforcement can identify the location and identity of a cybercriminal.

Weapon of Mass Destruction: “Any weapon that is designed or intended to cause death or serious physical harm through the release, dissemination, or impact of toxic or poisonous chemicals, or their precursors; Any weapon involving a disease organism or biological agent; Any weapon that is designed to release radiation or radioactivity at a level dangerous to human life” (Ohio 2917.31)

Tables

Table 1

Federal Barrier to Prosecution

Federal Statute	Barriers to Prosecution
Interstate Threats to Kidnap or Injure, 18 U.S.C. § 875(c)	Must involve interstate communication. False emergency reports may be communicated intrastate and locally.
Bomb Threats, 18 U.S.C. § 844(e)	Must convey a threat of explosives. False emergency reports are not limited to threats of explosive devices.
Cyberstalking, 18 U.S.C. § 2261A(2)	Must identify a specific individual as the target of intimidation or harm. False emergency reports may be made against businesses or educational facilities which are not legally considered specified individuals.
False Information and Hoaxes, 18 U.S.C. § 1038	Must convey false or misleading information about crimes contained within the following federal criminal codes: Aircraft and Motor Vehicles; Biological Weapons; Chemical Weapons; Explosives and Other Dangerous Articles; Importation, Manufacture, Distribution of Explosive Materials; Firearms; Shipping; Terrorism. False emergencies may be reported that are not addressed in these codes.

Gaps in the Ability of Federal Statutes to Prosecute Swatting

Table 2*Number of Included Swatting Statutes per State*

State	Number of statutes included in the dataset
Alabama	3
Alaska	1
Arizona	1
Arkansas	1
California	2
Colorado	2
Connecticut	5
Delaware	1
Florida	2
Georgia	1
Hawaii	2
Idaho	0
Illinois	1
Indiana	1
Iowa	0
Kansas	1
Kentucky	1
Louisiana	1
Maine	1
Maryland	1
Massachusetts	2
Michigan	1
Minnesota	1
Mississippi	0
Missouri	1
Montana	1
Nebraska	1
Nevada	0
New Hampshire	2
New Jersey	1
New Mexico	3
New York	3
North Carolina	0
North Dakota	1
Ohio	3
Oklahoma	2
Oregon	1
Pennsylvania	1
Rhode Island	3
South Carolina	0
South Dakota	1
Tennessee	1
Texas	2

Utah	2
Vermont	2
Virginia	4
Washington	1
West Virginia	1
Wisconsin	1
Wyoming	1
Total	71

Table 3

Number of Swatting Statutes per States Represented in the Dataset

Statute Number	Number of States	Percentage of States
One statute	27	61.4%
Two statutes	10	22.7%
Three statutes	5	11.4%
Four statutes	1	2.3%
Five statutes	1	2.3%
Total	44	100%

Table 4a

Mens Rea Requirements of False Report (State)

<i>Mens Rea</i> Level	Number of States	Percentage of States
Purposeful/Intentional	6	12%
Knowing	43	86%
Willful	3	6%
Reckless Disregard	0	0%
Negligent	0	0%
Not applicable	6	12%
Total	50	100%

Table 4b*Mens Rea Requirements of False Report (Statute)⁹¹*

<i>Mens Rea</i> Level	Number of Statutes	Percentage of Statutes
Purposeful/Intentional	6	8.5%
Knowing	65	91.5%
Willful	3	4.2%
Reckless Disregard	0	0%
Negligent	0	0%
Not defined	2	%
Total	71	100%

Table 5a*Actus Reus Requirements of False Reports (State)*

<i>Actus Reus</i> Requirement	Number of States	Percentage of States
Making/Initiating	42	84%
Causing	26	52%
Circulating	11	22%
Aiding and Abetting	2	4%
Total	50	100%

Table 5b*Actus Reus Requirements of False Reports (Statute)*

<i>Actus Reus</i> Requirement	Number of Statutes	Percentage of Statutes
Making/Initiating	65	91.5%
Only Making/Initiating	21	29.6%
Causing	36	50.7%
Circulating	14	19.7%
Total	71	100%

⁹¹Statutes are double counted when the *mens rea* is listed as knowing AND willful, or purposely AND knowingly. These statutes are Georgia § 16-10-28, Oklahoma § 21-589, Rhode Island § 11-44-21, South Dakota § 22-11-9, Vermont § 1751.

Table 5c*Exclusive Actus Reus Requirements (State)*

<i>Actus Reus</i> Requirement	Number of States	Percentage of States
Only Making/Initiating	11	22%
Only Causing	1	2%
Only Circulating	0	0%
All three	6	12%
Total	50	100%

Table 6a*Base Level Offense Severity for a Swatting Violation (State)*

Offense Classification	Number of States	Percentage of States
Misdemeanor	38	76%
Felony	4	8%
Both	2	4%
Not Applicable	6	12%
Total	50	100%

Table 6b*Base Level Offense Severity for a Swatting Violation (Statute)*

Offense Classification	Number of Statutes	Percentage of Statutes
Misdemeanor	48	67.6%
Felony	21	29.6%
Both	2	2.8%
Total	71	100%

Table 7a*Maximum Enhanced Offense Severity for a Swatting Violation (State)*

Offense Severity	Number of States	Percentage of States
Misdemeanor	1	2%
Felony	29	58%
Total	30	60%

Table 7b*Maximum Enhanced Offense Severity for a Swatting Violation (Statute)*

Offense Severity	Number of Statutes	Percentage of Statutes
Misdemeanor	1	1.4%
Felony	36	50.7%
Total	37	52.1%

Table 8a*Enhancement Types (State)*

Offense Severity	Number of States	Percentage of States
Bodily Harm	20	40%
Death	17	34%
Prior Conviction	9	18%
Weapon of Mass Destruction*	4	8%
Targeting a Protected Identity	3	6%
Educational Institution	3	6%
Other	13	26%
Total States with Enhancements	30	60%

Table 8b*Enhancement Types (Statute)*

Offense Severity	Number of Statutes	Percentage of Statutes
Bodily Harm	20	28.2%
Death	16	22.5%
Prior Conviction	9	12.7%
Weapon of Mass Destruction*	5	7.0%
Targeting a Protected Identity	3	4.2%
Educational Institution	3	4.2%
Other	15	21.1%
Total Statutes with Enhancements	37	52.1%

Table 9*Maximum Swatting Incarceration (State)*

State	Maximum Base Level Incarceration	Maximum Enhanced Incarceration (years)
Alabama	1 year	99
Alaska	1 year	N/a
Arizona	6 months	2
Arkansas	1 year	10
California	1 year	3
Colorado	18 months	12
Connecticut	10 years	20
Delaware	1 year	2
Florida	15 years	15
Georgia	1 year	15
Hawaii	1 year	N/a
Idaho	N/a	N/a
Illinois	30 days	5
Indiana	180 days	6
Iowa	N/a	N/a
Kansas	1 year	54
Kentucky	1 year	N/a
Louisiana	6 months	40
Maine	364 days	5
Maryland	3 years	10
Massachusetts	2 years	10
Michigan	2.5 years	15
Minnesota	93 days	10
Mississippi	N/a	N/a
Missouri	6 months	N/a
Montana	6 months	N/a
Nebraska	1 year	N/a
Nevada	N/a	N/a
New Hampshire	1 year	7
New Jersey	18 months	20
New Mexico	18 months	1.5
New York	7 year	N/a
North Carolina	N/a	N/a
North Dakota	1 year	N/a
Ohio	18 months	8
Oklahoma	90 days*	N/a
Oregon	1 year	At least 30 days
Pennsylvania	90 days	N/a
Rhode Island	1 year	N/a
South Carolina	N/a	N/a
South Dakota	1 year	N/a
Tennessee	2 years	15

Texas	1 year	10
Utah	6 months	15
Vermont	2 years	5
Virginia	1 year	10
Washington	1 year	10
West Virginia	6 months	5
Wisconsin	3.5 years	15
Wyoming	1 year	N/a

Table 10

Maximum Base Level Swatting Incarceration by State (Bounded)

Maximum Base Level Incarceration	Number of States	Percentage of States
6 Months	11	22%
1 Year	20	40%
2 Years	7	14%
5 Years	3	6%
10 Years	2	4%
10+ Years	1	2%
Total	44	88%

Table 11

Maximum Enhanced Swatting Incarceration by State (Bounded)

Maximum Base Level Incarceration	Number of States	Percentage of States
2 Years	4	8%
5 Years	5	10%
10 Years	10	20%
15 Years	6	12%
25 Years	2	4%
25+ Years	3	6%
Total	30	60%

Table 12a

Restitution Clause Presence (State)

Restitution Clause	Number of Statutes	Percentage of Statutes
Yes	22	44%
No	28	56%
Total	50	100%

Table 12b*Restitution Clause Presence (Statute)*

Restitution Clause	Number of Statutes	Percentage of Statutes
Yes	28	39.4%
No	43	60.6%
Total	71	100%

Table 13a*Jurisdiction Clause Presence (State)*

Jurisdiction Explained	Number of States	Percentage of States
Yes	9	18%
No	35	70%
Total	50	100%

Table 13b*Jurisdiction Clause Presence (Statute)*

Jurisdiction Explained	Number of Statutes	Percentage of Statutes
Yes	11	15.5%
No	60	84.5%
Total	71	100%

Identified Swatting Statutes

Alabama

Section 13A-10-8 Rendering a False Alarm.

(a) A person commits the crime of rendering a false alarm if he knowingly causes a false alarm of fire or other emergency involving danger to person or property to be transmitted to or within an official or volunteer fire department or any other governmental agency or to be transmitted to or within a hospital or nursing home or any building housing handicapped or immobile people.

(b) Rendering a false alarm except a false alarm concerning a hospital or nursing home or other building housing handicapped or immobile people to or within an official or volunteer fire department or any other governmental agency is a Class A misdemeanor. Rendering a false alarm concerning or to or within a hospital or nursing home or any building housing handicapped or immobile people shall be a Class C felony.

(Acts 1977, No. 607, p. 812, §4535; Acts 1979, No. 79-664, p. 1163, §1; Acts 1981, No. 81-658.)

Section 13A-10-9 False Reporting to Local, State, or Federal Law Enforcement Authorities.

(a) A person commits the crime of false reporting to local, state, or federal law enforcement authorities if he or she knowingly makes a false report or causes the transmission of a false report to local, state, or federal law enforcement authorities of a crime or relating to a crime.

(b) False reporting to local, state, or federal law enforcement authorities is a Class A misdemeanor, unless the false report alleges imminent danger to a person or the public, where the penalty shall be a Class C felony.

(c) A person convicted of a violation of this section, where the false report results in an emergency response or investigation of the commission of false reporting, shall be ordered to pay restitution for the expenses incurred by any local, state, or federal law enforcement or assisting governmental agency. Expenses include any reasonable costs directly incurred, including the costs of police, firefighting, and emergency medical services, and the personnel costs of those persons who respond to the incident.

(Acts 1977, No. 607, p. 812, §4540; Acts 1979, No. 79-471, p. 862, §1; Act 2024-345, §1.)

Section 13A-10-9.1 Swatting.

(a) For the purposes of this section, the following terms have the following meanings:

(1) EMERGENCY. Either of the following:

a. Any condition that results in, or is likely to result in, the response of a law enforcement agency or emergency service provider acting in their official capacity.

b. Any condition that jeopardized or is likely to jeopardize public safety and results in, or is likely to result in, the evacuation of any area, building, structure, or vehicle.

(2) EMERGENCY SERVICE PROVIDER. As defined in Section 11-98-1.

(3) LAW ENFORCEMENT AGENCY. As defined in Section 15-5-62.

(b) A person commits the crime of swatting if he or she knowingly reports, or causes to be reported, false or misleading information regarding a crime or emergency to a law enforcement agency or emergency service provider under circumstances where the false or misleading information is likely to cause a response from a law enforcement agency or an emergency service provider.

(1) A violation of this subsection is a Class A misdemeanor if the false or misleading report is of a misdemeanor offense.

(2) A violation of this subsection is a Class C felony if the false or misleading report is of a felony offense or emergency.

(3) A violation of this subsection is a Class B felony if the false or misleading report is of a felony offense or emergency and the emergency response causes physical injury to any person.

(4) A violation of this subsection is a Class A felony if the false or misleading report is of a felony offense or emergency and the emergency response causes serious physical injury or death to any person.

- (c) For the purposes of determining venue, a violation of this section shall be considered to be committed in any county: (i) where the false or misleading report was made; (ii) where the false or misleading report was received by a law enforcement agency or emergency service provider; or (iii) in which a law enforcement agency or emergency service provider responded to the false or misleading report.
- (d) Any person convicted of this section shall be ordered to pay restitution to any individual, agency, or entity who incurs damages as a proximate result of responding to the false report.
- (Act 2024-297, §1.)

Alaska

Sec. 11.56.800. False information or report.

- (a) A person commits the crime of false information or report if the person knowingly
- (1) gives false information to a peace officer
 - (A) with the intent of implicating another in an offense; or
 - (B) concerning the person's identity while the person is
 - (i) under arrest, detention, or investigation for a crime; or
 - (ii) being served with an arrest warrant or being issued a citation;
 - (2) makes a false report to a peace officer that a crime has occurred or is about to occur;
 - (3) makes a false report or gives a false alarm, under circumstances not amounting to terroristic threatening in the second degree under AS 11.56.810, that a fire or other incident dangerous to life or property calling for an emergency response has occurred or is about to occur;
 - (4) makes a false report to the Department of Natural Resources under AS 46.17 concerning the condition of a dam or reservoir; or
 - (5) gives false information to a public employee relating to a person's eligibility for a permanent fund dividend under AS 43.23 and the false information does not also violate AS 11.56.205.
- (b) False information or report is a class A misdemeanor.

Arizona

13-2907. False reporting; emergency response costs; classification; definitions

A. A person commits false reporting by initiating or circulating a report of a bombing, fire or other emergency knowing that such report is false and intending:

1. That it will cause action of any sort by an official or volunteer agency organized to deal with emergencies; or
2. That it will place a person in fear of imminent serious physical injury; or
3. That it will prevent or interrupt the occupation of any building, room, place of assembly, public place or means of transportation.

B. A person commits false reporting by initiating a report of a serious offense involving an educational institution or any place used for worship or for religious services knowing that such report is false and intending that it will cause an emergency response.

C. A person who commits a violation of this section that results in an emergency response or investigation of false reporting and who is convicted of a violation of this section is liable for the expenses that are incurred incident to the emergency response or the investigation of the commission of false reporting, except that if the person is a juvenile who is adjudicated delinquent of a violation of this section, the court may order the juvenile to pay the expenses incurred under this subsection as restitution. The expenses are a debt of the person. The public agency, for profit entity or not-for-profit entity that incurred the expenses may collect the debt proportionally. The liability that is imposed under this subsection is in addition to any other liability that may be imposed.

D. A violation of subsection A of this section is a class 1 misdemeanor, except that a second or subsequent violation is a class 6 felony. A violation of subsection B of this section is a class 6 felony.

E. For the purposes of this section:

1. "Educational institution" means any of the following:
 - (a) A public school as defined in section 15-101.
 - (b) A private school that provides instruction to pupils in any combination of kindergarten programs and grades one through twelve.

- (c) A community college as defined in section 15-1401.
- (d) A university that is under the jurisdiction of the Arizona board of regents.
- (e) A private postsecondary institution that is licensed under title 32, chapter 30, article 2.
- (f) A college in this state that is owned, operated or chartered by a federally recognized Native American tribe on the tribe's own Indian reservation.
- 2. "Emergency response" means an immediate response by a law enforcement agency.
- 3. "Expenses" means any reasonable costs that are directly incurred by a public agency, for profit entity or not-for-profit entity that makes an appropriate emergency response to an incident or an investigation of the commission of false reporting. Expenses includes the costs of providing police, fire fighting, rescue and emergency medical services at the scene of an incident and the salaries of the persons who respond to the incident. Expenses does not include any charges that are assessed by an ambulance service that is regulated pursuant to title 36, chapter 21.1, article 2.
- 4. "Public agency" means this state, any city, county, municipal corporation or district, any Arizona federally recognized Native American tribe or any other public authority that is located in whole or in part in this state and that provides police, fire fighting, medical or other emergency services.
- 5. "Serious offense" has the same meaning as provided in section 13-706.

Arkansas

5-71-210. Communicating a false alarm.

- (a) A person commits the offense of communicating a false alarm if he or she purposely initiates or circulates a report of a present, past, or impending bombing, fire, offense, catastrophe, or other emergency while knowing that the report is false or baseless and knowing that it is likely to:
 - (1) Cause action of any sort by an official or volunteer agency organized to deal with emergencies;
 - (2) Place any person in fear of physical injury to himself or herself or another person or of damage to his or her property or that of another person; or
 - (3) Cause total or partial evacuation of any occupiable structure, vehicle, or vital public facility.
- (b)
 - (1)
 - (A) Communicating a false alarm is a Class C felony if physical injury to a person results.
 - (B) Communicating a false alarm is a Class D felony if:
 - (i) Damage to property results; or
 - (ii) The false alarm communicates a present or impending bombing and is made to or about a public or private educational institution.
 - (2)
 - (A) If there is no resulting physical injury or damage to property, communicating a false alarm is a Class A misdemeanor.
 - (B) A second or subsequent offense that would otherwise be a Class A misdemeanor is a Class D felony.
- (c) In addition to any other restitution ordered under § 5-4-205, the court may order that a person who violates this section make restitution to the State of Arkansas or any of its political subdivisions for any cleanup costs associated with the commission of the offense.

History

Acts 1975, No. 280, § 2911; A.S.A. 1947, § 41-2911; Acts 2001, No. 567, § 1; 2003, No. 1342, § 4.

California

California Code, Penal Code - PEN § 148.1

- (a) Any person who reports to any peace officer listed in Section 830.1 or 830.2, or subdivision (a) of Section 830.33, employee of a fire department or fire service, district attorney, newspaper, radio station, television station, deputy district attorney, employees of the Department of Justice, employees of an airline, employees of an airport, employees of a railroad or busline, an employee of a telephone company, occupants of a building or a news reporter in the employ of a newspaper or radio or television station, that a bomb or other explosive has been or will be placed or secreted in any public or private place, knowing that

the report is false, is guilty of a crime punishable by imprisonment in a county jail not to exceed one year, or pursuant to subdivision (h) of Section 1170.

(b) Any person who reports to any other peace officer defined in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2 that a bomb or other explosive has been or will be placed or secreted in any public or private place, knowing that the report is false, is guilty of a crime punishable by imprisonment in a county jail not to exceed one year or pursuant to subdivision (h) of Section 1170 if (1) the false information is given while the peace officer is engaged in the performance of his or her duties as a peace officer and (2) the person providing the false information knows or should have known that the person receiving the information is a peace officer.

(c) Any person who maliciously informs any other person that a bomb or other explosive has been or will be placed or secreted in any public or private place, knowing that the information is false, is guilty of a crime punishable by imprisonment in a county jail not to exceed one year, or pursuant to subdivision (h) of Section 1170.

(d) Any person who maliciously gives, mails, sends, or causes to be sent any false or facsimile bomb to another person, or places, causes to be placed, or maliciously possesses any false or facsimile bomb, with the intent to cause another to fear for his or her personal safety or the safety of others, is guilty of a crime punishable by imprisonment in a county jail not to exceed one year, or pursuant to subdivision (h) of Section 1170.

Penal Code - PEN

PART 1. OF CRIMES AND PUNISHMENTS [25 - 680.4] (Part 1 enacted 1872.)

TITLE 7. OF CRIMES AGAINST PUBLIC JUSTICE [92 - 186.36] (Title 7 enacted 1872.)

CHAPTER 7. Other Offenses Against Public Justice [142 - 181] (Chapter 7 enacted 1872.)

148.3.

(a) Any individual who reports, or causes any report to be made, to any city, county, city and county, or state department, district, agency, division, commission, or board, that an "emergency" exists, knowing that the report is false, is guilty of a misdemeanor and upon conviction thereof shall be punishable by imprisonment in a county jail for a period not exceeding one year, or by a fine not exceeding one thousand dollars (\$1,000), or by both that imprisonment and fine.

(b) Any individual who reports, or causes any report to be made, to any city, county, city and county, or state department, district, agency, division, commission, or board, that an "emergency" exists, who knows that the report is false, and who knows or should know that the response to the report is likely to cause death or great bodily injury, and great bodily injury or death is sustained by any person as a result of the false report, is guilty of a felony and upon conviction thereof shall be punishable by imprisonment pursuant to subdivision (h) of Section 1170, or by a fine of not more than ten thousand dollars (\$10,000), or by both that imprisonment and fine.

(c) "Emergency" as used in this section means any condition that results in, or could result in, the response of a public official in an authorized emergency vehicle, aircraft, or vessel, any condition that jeopardizes or could jeopardize public safety and results in, or could result in, the evacuation of any area, building, structure, vehicle, or of any other place that any individual may enter, or any situation that results in or could result in activation of the Emergency Alert System pursuant to Section 8594 of the Government Code. An activation or possible activation of the Emergency Alert System pursuant to Section 8594 of the Government Code shall not constitute an "emergency" for purposes of this section if it occurs as the result of a report made or caused to be made by a parent, guardian, or lawful custodian of a child that is based on a good faith belief that the child is missing.

(d) Nothing in this section precludes punishment for the conduct described in subdivision (a) or (b) under any other section of law providing for greater punishment for that conduct.

(e) Any individual convicted of violating this section, based upon a report that resulted in an emergency response, is liable to a public agency for the reasonable costs of the emergency response by that public agency.

(Amended by Stats. 2013, Ch. 284, Sec. 1. (SB 333) Effective January 1, 2014.)⁹²

⁹² Additional context to understand the sanctioning Penal Code - PEN

PART 1. OF CRIMES AND PUNISHMENTS [25 - 680.4] (Part 1 enacted 1872.)

TITLE 11.5. CRIMINAL THREATS [422 - 422.4] (Heading of Title 11.5 amended by Stats. 2000, Ch. 1001, Sec. 4.)

Colorado

18-8-110. False report of explosives, weapons, or harmful substances.

(1) Any person who reports to any other person that a bomb or other explosive, any chemical or biological agent, any poison or weapon, or any harmful radioactive substance has been placed in any public or private place or vehicle designed for the transportation of persons or property, knowing that the report is false, commits a class 5 felony.

(2) Any person who reports to any other person that there is a mass shooting or an active shooter in a public or private place or vehicle designed for the transportation of persons or property, knowing that the report is false, causing the occupants of a building, place of assembly, or facility of public transportation to be evacuated or to be issued a shelter-in-place order; causing any disruptions or impacts to regular activities; or resulting in the initiation of a standard response protocol in response to the false report, commits a class 6 felony.

History

Source: L. 71:R&RE, p. 456, § 1.C.R.S. 1963:§ 40-8-110. L. 79:Entire section amended, p. 743, § 1, effective July 1. L. 81:Entire section amended, p. 975, § 14, effective July 1. L. 89:Entire section amended, p. 839, § 77, effective July 1. L. 2023:Entire section amended,(SB 23-249), ch. 418, p. 2469, § 2, effective June 7; entire section amended,(HB 23-1293), ch. 298, p. 1788, § 25, effective October 1.

ANNOTATION

Prosecution must prove that a person reported that a bomb had been placed at a location at the time of the report.

If the substance of and circumstances surrounding a defendant's report permit a reasonable inference that a prohibited item or substance was placed in a public or private place or vehicle, a fact finder may conclude that the "has been placed" element is satisfied. People ex rel. C.F., 2012 COA 75, 279 P.3d 1231.

18-8-111. False reporting to authorities - false reporting of an emergency - definition.

(1)

(a) A person commits false reporting to authorities if:

(I) He or she knowingly:

(A) Causes by any means, including but not limited to activation, a false alarm of fire or other emergency or a false emergency exit alarm to sound or to be transmitted to or within an official or volunteer fire department, ambulance service, law enforcement agency, or any other government agency which deals with emergencies involving danger to life or property; or

422.1.

Every person who is convicted of a felony violation of Section 148.1 or 11418.1, under circumstances in which the defendant knew the underlying report was false, in addition to being ordered to comply with all other applicable restitution requirements and fine and fee provisions, shall also be ordered to pay full restitution to each of the following:

(a) Any person, corporation, business trust, estate, trust, partnership, association, joint venture, government, governmental subdivision, agency or instrumentality, or any other legal or commercial entity for any personnel, equipment, material, or clean up costs, and for any property damage, caused by the violation directly, or stemming from any emergency response to the violation or its aftermath.

(b) Any public or private entity incurring any costs for actual emergency response, for all costs of that response and for any clean up costs, including any overtime paid to uninvolved personnel made necessary by the allocation of resources to the emergency response and clean up.

(c) Restitution for the costs of response by a government entity under this section shall be determined in a hearing separate from the determination of guilt. The court shall order restitution in an amount no greater than the reasonable costs of the response. The burden shall be on the people to prove the reasonable costs of the response.

(d) In determining the restitution for the costs of response by a government entity, the court shall consider the amount of restitution to be paid to the direct victim, as defined in subdivision (k) of Section 1202.4.

(Added by Stats. 2002, Ch. 281, Sec. 1. Effective January 1, 2003.)

(B) Prevents by any means, including but not limited to deactivation, a legitimate fire alarm, emergency exit alarm, or other emergency alarm from sounding or from being transmitted to or within an official or volunteer fire department, ambulance service, law enforcement agency, or any other government agency that deals with emergencies involving danger to life or property; or

(II) He or she makes a report or knowingly causes the transmission of a report to law enforcement authorities of a crime or other incident within their official concern when he or she knows that it did not occur; or

(III) He or she makes a report or knowingly causes the transmission of a report to law enforcement authorities pretending to furnish information relating to an offense or other incident within their official concern when he or she knows that he or she has no such information or knows that the information is false; or

(IV) Repealed.

(b) False reporting to authorities is a class 2 misdemeanor.

(c) Repealed.

(2)

(a) A person commits false reporting of an emergency if he or she knowingly commits an act in violation of subsection (1) of this section that includes a knowing false report of an imminent threat to the safety of a person or persons by use of a deadly weapon.

(b)

(I) Except as otherwise provided in this subsection (2)(b), false reporting of an emergency is a class 2 misdemeanor.

(II) False reporting of an emergency is a class 1 misdemeanor, if:

(A) The threat causes the occupants of a building, place of assembly, or facility of public transportation to be evacuated or to be issued a shelter-in-place order, the threat causes any disruptions or impacts to regular activities, or the threat results in the initiation of a standard response protocol in response to the false report; or

(B) The emergency response results in bodily injury of another person.

(III) False reporting of an emergency is a class 4 felony if the emergency response results in serious bodily injury of another person.

(IV) False reporting of an emergency is a class 3 felony if the emergency response results in the death of another person.

(c) Upon a conviction pursuant to this subsection (2), in addition to any other sentence imposed or restitution ordered, the court shall sentence the defendant to pay restitution in an amount equal to the cost of any emergency response or evacuation, including but not limited to fire and police response, emergency medical service or emergency preparedness response, and transportation of any individual from the building, place of assembly, or facility of public transportation.

(d) It is not a defense to a prosecution pursuant to this subsection (2) that the defendant or another person did not have the intent or capability of committing the threatened or reported act.

(3) For purposes of subsections (1) and (2) of this section, the offense is committed and the defendant may be tried in the county where the defendant made the report, the county where the false report was communicated to law enforcement, or the county where law enforcement responded to the false report.

(4) A violation of this section does not preclude a conviction for a violation of any other criminal offense.

History
Source: L. 71:R&RE, p. 456, § 1.C.R.S. 1963:§ 40-8-111. L. 77:(1)(b) and (1)(c) amended, p. 965, § 39, effective July 1. L. 86:(2) amended, p. 771, § 9, effective July 1. L. 96:(1)(c) amended and (1)(d) and (3) added, pp. 1840, 1841, §§ 2, 3, effective July 1. L. 97:(3) amended, p. 1541, § 6, effective July 1. L. 2012:(1)(a) and (2) amended,(HB 12-1304), ch. 237, p. 1049, § 2, effective May 29. L. 2018:Entire section amended,(SB 18-068), ch. 401, p. 2370, § 1, effective July 1. L. 2021:(1)(b), (2)(b)(I), and IP(2)(b)(II) amended,(SB 21-271), ch. 462, p. 3195, § 277, effective March 1, 2022; (1)(a)(IV)(B) and (1)(c)(II) added by revision,(SB 21-271), ch. 462, pp. 3195, 3331, §§ 277, 803. L. 2023:(2)(b)(II)(A) amended,(SB 23-249), ch. 418, p. 2470, § 3, effective June 7.

ANNOTATION

Defendant was not entitled to jury instruction that offense of false reporting to authorities was a lesser included offense of criminal impersonation

because false reporting has the additional element of making or transmission of a report to law enforcement authorities. *People v. Vasallo-Hernandez*, 939 P.2d 440 (Colo. App. 1995).

Nor did evidence support jury instruction on offense of false reporting to authorities as a lesser non-included offense of criminal impersonation absent the initiation of affirmative action intended to communicate information. *People v. Vasallo-Hernandez*, 939 P.2d 440 (Colo. App. 1995).

Any error in refusing to give a false reporting instruction was harmless because it did not prohibit defendant from presenting his theory of defense.

Trial court properly refused to give a false reporting instruction because there was no evidentiary basis upon which the jury could both rationally acquit on the greater charges but convict on the false reporting charge. Further, the failure to instruct on false reporting did not prevent defendant from presenting his theory that a passenger was driving the car at the time of the accident. One passenger testified that the other passenger, not defendant, was driving the car at the time of the accident. And defense counsel so argued in closing argument. Thus, any error in refusing to give the false reporting instruction was harmless because it did not prohibit defendant from presenting his theory of defense. *People v. Medrano-Bustamante*, 2013 COA 139, 412 P.3d 581, *aff'd in part, rev'd in part on other grounds sub nom. Reyna-Abarca v. People*, 2017 CO 15, 390 P.3d 816.

This section is distinguishable from § 18-8-105.

A deliberate attempt to thwart law enforcement is more destructive than conduct not designed to do so. As a result, the greater punishment for the offense of accessory to a crime is justified. *People v. Preciado-Flores*, 66 P.3d 155 (Colo. App. 2002).

False reporting to authorities is not a specific instance of attempt to influence a public servant.

The crime of false reporting penalizes those who provide untruthful information to public officials, regardless of an attempt to influence public officials. The attempted influence offense can occur without any false reporting at all. Thus, the attempted influence charge and the false reporting charge do not differ solely by prohibiting general and specific conduct. *People v. Blue*, 253 P.3d 1273 (Colo. App. 2011).

A person reporting child abuse does not commit false reporting to authorities if he or she reports child abuse that cannot be proven because allegations of child abuse are a matter of public concern. *Lawson v. Stow*, 2014 COA 26, 327 P.3d 340.

Connecticut

Sec. 53a-180. Falsely reporting an incident in the first degree: Class D or C felony.

(a) A person is guilty of falsely reporting an incident in the first degree when, knowing the information reported, conveyed or circulated to be false or baseless, such person: (1) Initiates or circulates a false report or warning of an alleged occurrence or impending occurrence of a fire, explosion, catastrophe or emergency under circumstances in which it is likely that public alarm or inconvenience will result; (2) reports, by word or action, to any official or quasi-official agency or organization having the function of dealing with emergencies involving danger to life or property, an alleged occurrence or impending occurrence of a fire, explosion or other catastrophe or emergency which did not in fact occur or does not in fact exist; (3) violates subdivision (1) or (2) of this subsection with intent to cause a large scale emergency response; or (4) violates subdivision (1), (2) or (3) of this subsection with specific intent to falsely report another person or group of persons because of the actual or perceived race, religion, ethnicity, disability, sex, sexual orientation or gender identity or expression of such other person or group of persons. For purposes of this section, "large scale emergency response" means an on-site response to any such reported incident by five or more first responders, and "first responder" means any peace officer or firefighter or any ambulance driver, emergency medical responder, emergency medical technician or paramedic, as those terms are defined in section 19a-175.

(b) Falsely reporting an incident in the first degree is a (1) class D felony for a violation of subdivision (1), (2) or (3) of subsection (a) of this section, or (2) class C felony for a violation of subdivision (4) of subsection (a) of this section.

(c) In addition to any sentence imposed pursuant to subsection (b) of this section, if (1) a person is convicted of an offense in violation of subdivision (3) of subsection (a) of this section that resulted in a large scale emergency response, (2) any agency or department of the state or political subdivision of the state requests financial restitution for costs associated with such emergency response, and (3) the court finds that the agency or department of the state or political subdivision of the state incurred costs associated with such emergency response as a result of such offense, the court shall order the offender to make

financial restitution under terms that the court determines are appropriate. In determining the appropriate terms of financial restitution, the court shall consider: (A) The financial resources of the offender and the burden restitution will place on other obligations of the offender; (B) the offender's ability to pay based on installments or other conditions; (C) the rehabilitative effect on the offender of the payment of restitution and the method of payment; and (D) other circumstances, including the financial burden and impact on the agency or department of the state or political subdivision of the state, that the court determines make the terms of restitution appropriate. If the court determines that the current financial resources of the offender or the offender's current ability to pay based on installments or other conditions are such that no appropriate terms of restitution can be determined, the court may forego setting such terms. The court shall articulate its findings on the record with respect to each of the factors set forth in subparagraphs (A) to (D), inclusive, of this subsection. Restitution ordered by the court pursuant to this subsection shall be based on easily ascertainable damages for actual expenses associated with such emergency response. Restitution ordered by the court pursuant to this subsection shall be imposed or directed by a written order of the court containing the amount of actual expenses associated with such emergency response, as ascertained by the court. The order of the court shall direct that a certified copy of the order be delivered by certified mail to the agency or department of the state or political subdivision of the state. Such order is enforceable in the same manner as an order pursuant to subsection (c) of section 53a-28.

(1969, P.A. 828, S. 182; P.A. 81-353, S. 1; Nov. 15 Sp. Sess. P.A. 01-2, S. 1, 9; P.A. 17-72, S. 1; July Sp. Sess. P.A. 20-1, S. 24.)

Sec. 53a-180a. Falsely reporting an incident resulting in serious physical injury or death: Class C or B felony.

(a) A person is guilty of falsely reporting an incident resulting in serious physical injury or death when such person commits the crime of

(1) falsely reporting an incident in the first degree as provided in subdivision (1), (2) or (3) of subsection

(a) of section 53a-180,

(2) falsely reporting an incident in the second degree as provided in subdivision (1), (2) or (3) of subsection

(a) of section 53a-180c, or

(3) falsely reporting an incident in the first degree as provided in subdivision (4) of subsection (a) of section 53a-180 or falsely reporting an incident in the second degree as provided in subdivision (4) of subsection (a) of section 53a-180c, and such false report described in subdivision (1), (2) or (3) of this subsection results in the serious physical injury or death of another person.

(b) Falsely reporting an incident resulting in serious physical injury or death is a (1) class C felony for a violation of subdivision (1) or (2) of subsection (a) of this section, or (2) class B felony for a violation of subdivision (3) of subsection (a) of this section.

(P.A. 81-353, S. 2; P.A. 92-260, S. 67; Nov. 15 Sp. Sess. P.A. 01-2, S. 3, 9; July Sp. Sess. P.A. 20-1, S. 25.)

Sec. 53a-180b. Falsely reporting an incident concerning serious physical injury or death: Class D or C felony.

(a) A person is guilty of falsely reporting an incident concerning serious physical injury or death when such person commits the crime of falsely reporting an incident in the second degree as provided in (1) subdivision (1), (2) or (3) of subsection (a) of section 53a-180c, or (2) subdivision (4) of subsection (a) of section 53a-180c, and such false report described in subdivision (1) or (2) of this subsection is of the alleged occurrence or impending occurrence of the serious physical injury or death of another person.

(b) Falsely reporting an incident concerning serious physical injury or death is a (1) class D felony for a violation of subdivision (1) of subsection (a) of this section, or (2) class C felony for a violation of subdivision (2) of subsection (a) of this section.

(P.A. 97-147, S. 2; Nov. 15 Sp. Sess. P.A. 01-2, S. 4, 9; July Sp. Sess. P.A. 20-1, S. 26.)

Sec. 53a-180c. Falsely reporting an incident in the second degree: Class A misdemeanor or Class E felony.

(a) A person is guilty of falsely reporting an incident in the second degree when, knowing the information reported, conveyed or circulated to be false or baseless, such person gratuitously reports to a law enforcement officer or agency (1) the alleged occurrence of an offense or incident which did not in fact occur, (2) an allegedly impending occurrence of an offense or incident which in fact is not about to occur, (3) false information relating to an actual offense or incident or to the alleged implication of some person

therein, or (4) violates subdivision (1), (2) or (3) of this subsection with specific intent to falsely report another person or group of persons because of the actual or perceived race, religion, ethnicity, disability, sex, sexual orientation or gender identity or expression of such other person or group of persons.

(b) Falsely reporting an incident in the second degree is a (1) class A misdemeanor for a violation of subdivision (1), (2) or (3) of subsection (a) of this section, or (2) class E felony for a violation of subdivision (4) of subsection (a) of this section.

(Nov. 15 Sp. Sess. P.A. 01-2, S. 2, 9; July Sp. Sess. P.A. 20-1, S. 27.)

Sec. 53a-180d. Misuse of the emergency 9-1-1 system: Class B or A misdemeanor.

(a) A person is guilty of misuse of the emergency 9-1-1 system when such person (1) dials or otherwise causes E 9-1-1 to be called for the purpose of making a false alarm or complaint, (2) purposely reports false information which could result in the dispatch of emergency services, or (3) violates subdivision (1) or (2) of this subsection with specific intent to make a false alarm or complaint or report false information about another person or group of persons because of the actual or perceived race, religion, ethnicity, disability, sex, sexual orientation or gender identity or expression of such other person or group of persons.

(b) Misuse of the emergency 9-1-1 system is a (1) class B misdemeanor for a violation of subdivision (1) or (2) of subsection (a) of this section, or (2) class A misdemeanor for a violation of subdivision (3) of subsection (a) of this section.

(P.A. 07-106, S. 6; July Sp. Sess. P.A. 20-1, S. 28.)

Delaware

§ 1245. Falsely reporting an incident; class A misdemeanor.

A person is guilty of falsely reporting an incident when, knowing the information reported, conveyed or circulated is false or baseless, the person:

(1) Initiates or circulates a false report or warning of or impending occurrence of a fire, explosion, crime, catastrophe or emergency under circumstances in which it is likely that public alarm or inconvenience will result or that fire-fighting apparatus, ambulance or a rescue vehicle might be summoned; or

(2) Reports, by word or action, to any official or quasi-official agency or organization having the function of dealing with emergencies involving danger to life or property, an alleged occurrence or impending occurrence of a fire, explosion or other catastrophe or emergency which did not in fact occur or does not in fact exist; or

(3) Reports to a law-enforcement officer or agency:

a. The alleged occurrence of an offense or incident which did not in fact occur; or

b. An allegedly impending occurrence of an offense or incident which is not in fact about to occur; or

c. False information relating to an actual offense or incident or to the alleged implication of some person therein; or

d. The alleged abduction of a child which would generate the activation of a state-wide and interstate alert response and law-enforcement broadcast when such abduction has not, in fact, occurred.

(4) Without just cause, calls or summons by telephone, fire alarm system or otherwise, any fire-fighting apparatus, ambulance or rescue truck.

Falsely reporting an incident is a class A misdemeanor, unless the defendant has violated this section previously, in which case it shall be a class G felony. In addition to the penalties otherwise authorized by law, any person convicted of an offense in violation of this section shall pay a fine of not less than \$500, or less than \$1,000 for a violation of paragraph (3)d. of this section, which fine cannot be suspended and be sentenced to perform a minimum of 100 hours of community service, and shall be required to reimburse the State, or other responding or other investigating governmental agency, for any expenses expended in the investigation and/or response to the incident falsely reported.

11 Del. C. 1953, § 1245; 58 Del. Laws, c. 497, § 1; 59 Del. Laws, c. 469, § 1; 60 Del. Laws, c. 542, § 1; 67 Del. Laws, c. 130, § 8; 70 Del. Laws, c. 186, § 1; 70 Del. Laws, c. 412, § 1; 73 Del. Laws, c. 87, § 1; 73 Del. Laws, c. 255, § 2; 75 Del. Laws, c. 86, §§ 1, 2;

Florida

817.49 False reports of commission of crimes; penalty.

(1) Except as provided in subsection (2), whoever willfully imparts, conveys, or causes to be imparted or conveyed to a law enforcement officer or employee of a public safety agency false information or reports concerning the alleged commission of any crime under the laws of this state, knowing such information or report to be false, when no such crime has actually been committed, commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(2)(a) As used in this section, the term “public safety agency” means a law enforcement agency, professional or volunteer fire department, emergency medical service, ambulance service, or other public entity that dispatches or provides first responder services to respond to crimes, to assist victims of crimes, or to apprehend offenders.

(b) If the willful making of a false report of a crime as set forth in this section results in a response by a federal, state, district, municipal, or other public safety agency and the response results in:

1. Great bodily harm, permanent disfigurement, or permanent disability to any person as a proximate result of lawful conduct arising out of a response, the person making such report commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

2. Death to any person as a proximate result of lawful conduct arising out of a response, the person making such report commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(3) A court shall order any person convicted of violating this section to pay restitution, which shall include full payment for any cost incurred by a responding public safety agency.

(4) The Legislature finds that the false reporting of crimes is a threat to public safety and a threat to the safety of law enforcement officers and other first responders. As such, the Legislature encourages each state attorney to adopt a pro-prosecution policy for the false reporting of crimes as prohibited in this section.

History.—s. 1, ch. 59-294; s. 875, ch. 71-136; s. 1, ch. 2021-64; s. 5, ch. 2025-176.

790.163 False report concerning planting a bomb, an explosive, or a weapon of mass destruction, or concerning the use of firearms in a violent manner; penalty.

(1) It is unlawful for any person to make a false report, with intent to deceive, mislead, or otherwise misinform any person, concerning the placing or planting of any bomb, dynamite, other deadly explosive, or weapon of mass destruction as defined in s. 790.166, or concerning the use of firearms in a violent manner against a person or persons. A person who violates this subsection commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(2) Notwithstanding any other law, adjudication of guilt or imposition of sentence for a violation of this section may not be suspended, deferred, or withheld. However, the state attorney may move the sentencing court to reduce or suspend the sentence of any person who is convicted of a violation of this section and who provides substantial assistance in the identification, arrest, or conviction of any of his or her accomplices, accessories, coconspirators, or principals.

(3) Proof that a person accused of violating this section knowingly made a false report is prima facie evidence of the accused person’s intent to deceive, mislead, or otherwise misinform any person.

(4) In addition to any other penalty provided by law with respect to any person who is convicted of a violation of this section that resulted in the mobilization or action of any law enforcement officer or any state or local agency, a person convicted of a violation of this section may be required by the court to pay restitution for all of the costs and damages arising from the criminal conduct.

History.—s. 3, ch. 59-29; s. 749, ch. 71-136; s. 1, ch. 2002-28; s. 1, ch. 2016-156.

Georgia

16-10-28. Transmitting a false public alarm; restitution.

(a) As used in this Code section, the term:

(1) “Critical infrastructure” means any building, place of assembly, or facility that is located in this state and necessary for national or public security, education, or public safety.

(2) “Destructive device” shall have the same meaning as provided in Code Section 16-7-80.

(3) “Dwelling” shall have the same meaning as provided in Code Section 16-7-1.

(4) “Hazardous substance” shall have the same meaning as provided in Code Section 12-8-92.

(5) “Public agency” means the state and any city, county, city and county, municipal corporation, chartered organization, public district, or public authority located in whole or in part within this state which provides or has authority to provide fire-fighting, law enforcement, ambulance, medical, or other emergency services.

(6) “Public safety agency” means a functional division of a public agency which provides fire-fighting, law enforcement, emergency medical, suicide prevention, emergency management dispatching, poison control, drug prevention, child abuse, spouse abuse, or other emergency services.

(7) “Request for emergency services assistance” means a report, transmission, or request for assistance made to a public safety agency through a public safety answering point or other form of communication or a report, statement, or request for assistance knowingly made to another person that is likely to result in the recipient making a report, transmission, or request for assistance from a public safety agency through a public safety answering point or other form of communication.

(b) A person commits the offense of making an unlawful request for emergency services assistance when he or she knowingly and intentionally transmits in any manner a request for emergency services assistance knowing at the time of the request for emergency services assistance that there is no reasonable ground for believing the truth of information which forms the basis of such request and when the request involves or relates to:

(1) A purported destructive device or hazardous substance located in such a place that its explosion, detonation, or release would endanger human life or cause injury or damage to property;

(2) An individual who purportedly has caused or threatened to cause physical harm to himself or herself or another individual by using a deadly weapon or with any object, device, or instrument which, when used offensively against a person, is likely to result in serious bodily injury;

(3) An individual who purportedly has committed a criminal act involving the use or threat of physical force or violence or an act constituting an immediate threat to any person’s life or safety; or

(4) The knowing use of any electronic device or software to alter, conceal, or disguise, or attempt to alter, conceal, or disguise, the location or identity of the person making the request.

(c) Except as provided in subsection (d) of this Code section, a person convicted of a violation of subsection (b) of this Code section shall be punished as follows:

(1) Upon a first conviction, a misdemeanor of a high and aggravated nature;

(2) Upon a second conviction, a felony and punished by imprisonment for not less than five nor more than ten years, by a fine of not less than \$5,000.00, or both; and

(3) Upon a third or subsequent conviction, a felony and punished by imprisonment for not less than ten nor more than 15 years, by a fine of not less than \$25,000.00, or both.

(d)

(1) If the location of the unlawful request for emergency services assistance in violation of paragraph (1) of subsection (b) of this Code section is critical infrastructure, a person convicted of a violation of this Code section shall be guilty of a felony and shall be punished by imprisonment for not less than five nor more than ten years, by a fine of not more than \$100,000.00, or both.

(2) If serious bodily harm or death results from the response of a public safety agency or if the location of response to an unlawful request for emergency assistance is a dwelling or a place of worship, a person convicted of a first violation of this Code section shall be guilty of a felony and shall be punished by imprisonment for not less than one nor more than ten years, by a fine of not less than \$5,000.00, or both.

(e) In addition to any other penalty imposed by law for a violation of this Code section, the court shall require the defendant to make restitution to any affected natural person or public or private entity for the reasonable costs or damages associated with the offense, including, without limitation, damage to property, expenses to treat bodily injuries, and the actual value of any goods, services, or income lost as a result of such violation. Restitution made pursuant to this subsection shall not preclude any party from obtaining any other civil or criminal remedy available under any other provision of law. The restitution authorized by this subsection is supplemental and not exclusive.

History

Code 1933, § 26-2609, enacted by Ga. L. 1968, p. 1249, § 1; Ga. L. 1996, p. 416, § 5; Ga. L. 2002, p. 1094, § 3; Ga. L. 2016, p. 608, § 2/SB 270; Ga. L. 2019, p. 306, § 2/HB 118; Ga. L. 2024, p. 528, § 2-1/SB 421, effective July 1, 2024.

§710-1014 Rendering a false alarm.

(1) A person commits the offense of rendering a false alarm if the person knowingly causes a false alarm of fire or other emergency to be transmitted to or within an official or volunteer fire department, any other government agency, or any public utility that deals with emergencies involving danger to life or property.

(2) Rendering a false alarm is a misdemeanor. [L 1972, c 9, pt of §1; gen ch 1993]

COMMENTARY ON §710-1014

The rendering of a false fire alarm is almost universally made criminal. The Code generalizes the principle to cover all emergency alarms and all governmental emergency organizations (the police would be included while responding to an alarm of this character), public utilities that deal with emergencies, and, in the case of fire departments, volunteer organizations. The justification for the provision is the prevention of the "waste of government resources and the likelihood that the actor will cause personnel or equipment to be unavailable to deal with real emergencies." [1]

§710-1014.5 Misuse of 911 emergency telephone service.

(1) A person commits the offense of misuse of 911 emergency telephone service if the person accesses the telephone number 911 and:

(a) Knowingly causes a false alarm; or

(b) Makes a false complaint or a report of false information in reckless disregard of the risk that a public safety agency will respond by dispatching emergency services.

(2) Misuse of 911 emergency telephone service is a misdemeanor.

(3) For purposes of this section, "public safety agency" means any federal, state, or county police, fire, emergency medical service, or emergency management agency. [L 2005, c 17, §1; am L 2014, c 111, §22]

COMMENTARY ON §710-1014.5

Act 17, Session Laws 2005, established as a misdemeanor offense, the misuse of 911 emergency telephone service, when an individual accesses 911 and knowingly causes a false alarm or recklessly makes a false complaint or report. The legislature found that the Act would prevent public safety agencies from wasting their time on false alarms and ensure that legitimate emergency requests were not hampered by the abuse of the emergency system. Senate Standing Committee Report No. 1297, House Standing Committee Report No. 129.

Act 111, Session Laws 2014, which amended subsection (3), updated and recodified Hawaii's emergency management laws to conform with nationwide emergency management practices by, among other things, establishing a Hawaii emergency management agency in the state department of defense with the functions and authority currently held by the state civil defense agency; establishing the power and authority of the director of Hawaii emergency management, who will be the adjutant general, and providing the director with the functions and authority currently held by the director of civil defense; establishing county emergency management agencies, each to be under the respective county mayor's direction, with the functions and authority currently held by the local organizations for civil defense; and repealing the chapters on disaster relief [chapter 127] and the civil defense [and] emergency act [chapter 128], which were determined to be obsolete with the creation of the Hawaii emergency management agency. Conference Committee Report No. 129-14.

Idaho

Does not meet inclusion criterion

Illinois

ARTICLE 26. DISORDERLY CONDUCT

(720 ILCS 5/26-1) (from Ch. 38, par. 26-1)

Sec. 26-1. Disorderly conduct.

(a) A person commits disorderly conduct when he or she knowingly:

(1) Does any act in such unreasonable manner as to alarm or disturb another and to provoke a breach of the peace;

- (2) Transmits or causes to be transmitted in any manner to the fire department of any city, town, village or fire protection district a false alarm of fire, knowing at the time of the transmission that there is no reasonable ground for believing that the fire exists;
- (3) Transmits or causes to be transmitted in any manner to another a false alarm to the effect that a bomb or other explosive of any nature or a container holding poison gas, a deadly biological or chemical contaminant, or radioactive substance is concealed in a place where its explosion or release would endanger human life, knowing at the time of the transmission that there is no reasonable ground for believing that the bomb, explosive or a container holding poison gas, a deadly biological or chemical contaminant, or radioactive substance is concealed in the place;
- (3.5) Transmits or causes to be transmitted in any manner a threat of destruction of a school building or school property, or a threat of violence, death, or bodily harm directed against persons at a school, school function, or school event, whether or not school is in session;
- (4) Transmits or causes to be transmitted in any manner to any peace officer, public officer or public employee a report to the effect that an offense will be committed, is being committed, or has been committed, knowing at the time of the transmission that there is no reasonable ground for believing that the offense will be committed, is being committed, or has been committed;
- (5) Transmits or causes to be transmitted in any manner a false report to any public safety agency without the reasonable grounds necessary to believe that transmitting the report is necessary for the safety and welfare of the public;
- (6) Calls or texts the number "911" or transmits or causes to be transmitted in any manner to a public safety agency or public safety answering point for the purpose of making or transmitting a false alarm or complaint and reporting information when, at the time the call, text, or transmission is made, the person knows there is no reasonable ground for making the call, text, or transmission and further knows that the call, text, or transmission could result in the emergency response of any public safety agency;
- (7) Transmits or causes to be transmitted in any manner a false report to the Department of Children and Family Services under Section 4 of the Abused and Neglected Child Reporting Act;
- (8) Transmits or causes to be transmitted in any manner a false report to the Department of Public Health under the Nursing Home Care Act, the Specialized Mental Health Rehabilitation Act of 2013, the ID/DD Community Care Act, or the MC/DD Act;
- (9) Transmits or causes to be transmitted in any manner to the police department or fire department of any municipality or fire protection district, or any privately owned and operated ambulance service, a false request for an ambulance, emergency medical technician-ambulance or emergency medical technician-paramedic knowing at the time there is no reasonable ground for believing that the assistance is required;
- (10) Transmits or causes to be transmitted in any manner a false report under Article II of Public Act 83-1432;
- (11) Enters upon the property of another and for a lewd or unlawful purpose deliberately looks into a dwelling on the property through any window or other opening in it; or
- (12) While acting as a collection agency as defined in the Collection Agency Act or as an employee of the collection agency, and while attempting to collect an alleged debt, makes a telephone call to the alleged debtor which is designed to harass, annoy or intimidate the alleged debtor.
- (b) Sentence. A violation of subsection (a)(1) of this Section is a Class C misdemeanor. A violation of subsection (a)(5) or (a)(11) of this Section is a Class A misdemeanor. A violation of subsection (a)(8) or (a)(10) of this Section is a Class B misdemeanor. A violation of subsection (a)(2), (a)(3.5), (a)(4), (a)(6), (a)(7), or (a)(9) of this Section is a Class 4 felony. A violation of subsection (a)(3) of this Section is a Class 3 felony, for which a fine of not less than \$3,000 and no more than \$10,000 shall be assessed in addition to any other penalty imposed. A violation of subsection (a)(12) of this Section is a Business Offense and shall be punished by a fine not to exceed \$3,000. A second or subsequent violation of subsection (a)(7) or (a)(5) of this Section is a Class 4 felony. A third or subsequent violation of subsection (a)(11) of this Section is a Class 4 felony.
- (c) In addition to any other sentence that may be imposed, a court shall order any person convicted of disorderly conduct to perform community service for not less than 30 and not more than 120 hours, if community service is available in the jurisdiction and is funded and approved by the county board of the county where the offense was committed. In addition, whenever any person is placed on supervision for an alleged offense under this Section, the supervision shall be conditioned upon the performance of the community service. This subsection does not apply when the court imposes a sentence of Incarceration.

(d) In addition to any other sentence that may be imposed, the court shall order any person convicted of disorderly conduct under paragraph (3) of subsection (a) involving a false alarm of a threat that a bomb or explosive device has been placed in a school that requires an emergency response to reimburse the unit of government that employs the emergency response officer or officers that were dispatched to the school for the cost of the response. If the court determines that the person convicted of disorderly conduct that requires an emergency response to a school is indigent, the provisions of this subsection (d) do not apply.

(e) In addition to any other sentence that may be imposed, the court shall order any person convicted of disorderly conduct under paragraph (3.5) or (6) of subsection (a) to reimburse the public agency for the reasonable costs of the emergency response by the public agency up to \$10,000. If the court determines that the person convicted of disorderly conduct under paragraph (3.5) or (6) of subsection (a) is indigent, the provisions of this subsection (e) do not apply.

(f) For the purposes of this Section, "emergency response" means any condition that results in, or could result in, the response of a public official in an authorized emergency vehicle, any condition that jeopardizes or could jeopardize public safety and results in, or could result in, the evacuation of any area, building, structure, vehicle, or of any other place that any person may enter, or any incident requiring a response by a police officer, a firefighter, a State Fire Marshal employee, or an ambulance. (Source: P.A. 103-366, eff. 1-1-24.)

Indiana

IC 35-44.1-2-3 False reporting; false informing; swatting

Sec. 3. (a) As used in this section, "consumer product" has the meaning set forth in IC 35-45-8-1.

(b) As used in this section, "misconduct" means a violation of a departmental rule or procedure of a law enforcement agency.

(c) A person who reports that:

- (1) the person or another person has placed or intends to place an explosive, a destructive device, or other destructive substance in a building or transportation facility;
- (2) there has been or there will be tampering with a consumer product introduced into commerce; or
- (3) there has been or will be placed or introduced a weapon of mass destruction in a building or a place of assembly; knowing the report to be false, commits false reporting, a Level 6 felony.

(d) A person who:

(1) gives:

- (A) a false report of the commission of a crime; or
- (B) false information to a law enforcement officer that relates to the commission of a crime; knowing the report or information to be false;
- (2) gives a false alarm of fire to the fire department of a governmental entity, knowing the alarm to be false;
- (3) makes a false request for ambulance service to an ambulance service provider, knowing the request to be false;
- (4) gives a false report concerning a missing child (as defined in IC 10-13-5-4), missing veteran at risk (as defined in IC 12-7-2-197.3), or missing endangered adult (as defined in IC 12-7-2-131.3) or gives false information to a law enforcement officer or a governmental entity that relates to a missing child, missing veteran at risk, or missing endangered adult knowing the report or information to be false;
- (5) makes a complaint against a law enforcement officer to the state or municipality (as defined in IC 8-1-13-3(b)) that employs the officer:

- (A) alleging the officer engaged in misconduct while performing the officer's duties; and
- (B) knowing the complaint to be false;

(6) makes a false report of a missing person, knowing the report or information is false;

(7) gives a false report of actions, behavior, or conditions concerning:

- (A) a septic tank soil absorption system under IC 8-1-2-125 or IC 13-26-5-2.5; or
- (B) a septic tank soil absorption system or constructed wetland septic system under IC 36-9-23-30.1; knowing the report or information to be false; or

(8) makes a false report that a person is dangerous (as defined in IC 35-47-14-1) knowing the report or information to be false; commits false informing, a Class B misdemeanor except as provided in subsection (e).

(e) The offense described in subsection (d) is:

(1) a Class A misdemeanor if it:
 (A) substantially hinders any law enforcement process, including by causing the dispatch of one (1) or more law enforcement officers;
 (B) results in harm to another person; or
 (C) is committed under subsection (d)(8);
 (2) a Level 6 felony if it:
 (A) is committed under subsection (d)(8); and
 (B) either:
 (i) substantially hinders any law enforcement process, including by causing the dispatch of one (1) or more law enforcement officers;
 (ii) results in harm to another person; or
 (iii) would cause a reasonable person to feel terrorized, frightened, intimidated, or threatened; and
 (3) a Level 5 felony if it is committed under subsection (d)(8) and results in serious bodily injury or death to another person.
 As added by P.L.126-2012, SEC.54. Amended by P.L.292-2013, SEC.11; P.L.158-2013, SEC.503; P.L.168-2014, SEC.79; P.L.107-2016, SEC.7; P.L.142-2020, SEC.70; P.L.174-2021, SEC.75; P.L.40-2024, SEC.34; P.L.104-2024, SEC.44; P.L.119-2024, SEC.4; P.L.129-2025, SEC.1.

Iowa

Does not meet inclusion criterion

Kansas

21-6207. Unlawful request for emergency service assistance.

(a) Making an unlawful request for emergency service assistance is transmitting or communicating false or misleading information in any manner to request emergency service assistance including law enforcement, fire, medical or other emergency service, knowing at the time of such request there is no reasonable ground for believing such assistance is needed.
 (b) Making an unlawful request for emergency service assistance is a:
 (1) Class A nonperson misdemeanor, except as provided in subsections (b)(2), (b)(3), (b)(4), (b)(5) and (b)(6);
 (2) severity level 10, nonperson felony when the person uses an electronic device or software to alter, conceal or disguise the source of the request or the identity of the person making such request, except as provided in subsection (b)(3), (b)(4), (b)(5) and (b)(6);
 (3) severity level 7, nonperson felony when the request for emergency service assistance made by the person includes false information that violent criminal activity or immediate threat to a person's life or safety or the public safety has or is taking place, except as provided in subsection (b)(4), (b)(5) and (b)(6);
 (4) severity level 6, person felony when bodily harm results from the response by emergency services, except as provided in subsections (b)(5) and (b)(6);
 (5) severity level 4, person felony when great bodily harm results from the response by emergency services, except as provided in subsection (b)(6); and
 (6) severity level 1, person felony when death results from the response by emergency services.
 (c) An offender who violates the provisions of this section may also be prosecuted for, convicted of, and punished for interference with law enforcement, K.S.A. 21-5904, and amendments thereto.
 (d) It shall not be a defense that the person who suffers bodily harm, great bodily harm or death contributed, or others contributed to such person's bodily harm, great bodily harm or death.
 (e) A person who violates the provisions of this section may also be prosecuted for any form of homicide.
 History: L. 2010, ch. 136, § 185; L. 2014, ch. 95, § 3; L. 2018, ch. 45, § 1; July 1.

Kentucky

519.040 Falsely reporting an incident.

(1) A person is guilty of falsely reporting an incident when the person:

- (a) Knowingly causes a false alarm of fire or other emergency to be transmitted to or within any organization, official or volunteer, that deals with emergencies involving danger to life or property, and the false report results in an emergency response; or
 - (b) Reports to law enforcement authorities an offense or incident within their official concern knowing that it did not occur; or
 - (c) Furnishes law enforcement authorities with information allegedly relating to an offense or incident within their official concern when the person knows he or she has no information relating to such offense or incident; or
 - (d) Knowingly gives false information to any law enforcement officer with intent to implicate another; or
 - (e) Initiates or circulates a report or warning of an alleged occurrence or impending occurrence of a fire or other emergency under circumstances likely to cause public inconvenience or alarm when the person knows the information reported, conveyed, or circulated is false or baseless, and the false report results in an emergency response.
- (2) (a) Falsely reporting an incident under subsection (1)(b), (c), or (d) of this section is a Class A misdemeanor.
- (b) Falsely reporting an incident under subsection (1)(a) or (e) of this section is a Class D felony.
- (3) Any violation under this section may be prosecuted in any county where:
- (a) The defendant resides;
 - (b) The false report was communicated; or
 - (c) There was an emergency response to the false report.
- (4) (a) The court, in imposing a sentence on a defendant who has been convicted of any offense under this section, shall order restitution to: 1. Any agency or organization for the reasonable costs of the emergency response incurred by that agency or organization resulting from the false report; and 2. Any person who suffered damages caused by the agency or organization that provided an emergency response.
- (b) An order of restitution under this subsection shall, for the purpose of enforcement, be treated as a civil judgment.
- Effective: July 14, 2022 History: Amended 2022 Ky. Acts ch. 148, sec. 2, effective July 14, 2022. -- Created 1974 Ky. Acts ch. 406, sec. 166, effective January 1, 1975.

Louisiana

§126.1.1. False communication with the intent to cause an emergency response.

A. No person shall, with the intent to cause an emergency response by any law enforcement agency or other first responder in the absence of circumstances requiring such response, knowingly communicate or transmit false or misleading information indicating that conduct has taken place, is taking place, or will take place that may reasonably be believed to constitute a violation of the criminal law of any state or the United States, or that may reasonably be believed to endanger public health or safety.

B. Any person convicted of violating the provisions of this Section:

- (1) If no emergency response results, shall be imprisoned for not more than six months, or fined not more than five hundred dollars, or both.
- (2) Except as provided in Paragraphs (3) and (4) of this Subsection, if an emergency response results, shall be imprisoned, with or without hard labor, for not more than five years, or fined not less than one hundred dollars nor more than one thousand dollars, or both.
- (3) If an emergency response results and serious bodily injury occurs, shall be imprisoned, with or without hard labor, for not less than eight years, or fined not less than five hundred dollars nor more than two thousand five hundred dollars, or both.
- (4) If an emergency response results and the death of a person occurs, shall be imprisoned at hard labor for not less than ten years nor more than forty years.

C.(1) In addition to the penalties provided by Subsection B of this Section, the court shall order the defendant to reimburse the appropriate party or parties for any expenses incurred for an emergency response resulting from the commission of the offense.

(2) A person ordered to make reimbursement under this Subsection shall be jointly and severally liable for such expenses with any other person who is ordered to make reimbursement under this Subsection for the same expenses.

(3) An order of reimbursement under this Subsection shall, for the purposes of enforcement, be treated as a civil judgment.

D. For purposes of this Section:

(1) "Emergency response" means any action taken by a law enforcement agency or other first responder to immediately respond to any conduct or event that is reasonably believed to violate the criminal law of any state or the United States, or that threatens or may reasonably be believed to threaten public health or safety.

(2) "Law enforcement agency" includes any federal, state, or local law enforcement agency.
Acts 2018, No. 348, §1, eff. May 20, 2018.

Maine

17A §509. False public alarm or report; aggravated false public alarm or report.

1. A person is guilty of false public alarm or report if:

A. The person knowingly gives or causes to be given false information to a law enforcement officer, an emergency communications center or the 9-1-1 services established in Title 25, chapter 352 with the intent of inducing the officer, the emergency communications center or any other emergency services personnel to believe that a crime has been committed or that another has committed a crime, knowing the information to be false; [PL 2025, c. 167, §2 (AMD).]

B. The person knowingly gives or causes to be given false information to a law enforcement officer, a member of a firefighting agency, including a volunteer fire department, an emergency communications center, the 9-1-1 services established in Title 25, chapter 352 or any other person knowing that the other person is likely to communicate the information to a law enforcement officer, a member of a firefighting agency, an emergency communications center or any other emergency services personnel concerning a fire, explosive or other similar substance that is capable of endangering the safety of persons, knowing that the information is false, or knowing that the person has no information relating to the fire, explosive or other similar substance; or [PL 2025, c. 167, §3 (AMD).]

C. The person knowingly gives or causes to be given false information concerning an emergency to an ambulance service, an emergency communications center, the 9-1-1 services established in Title 25, chapter 352, any other emergency services personnel or a government agency or public utility that deals with emergencies involving danger to life or property, with the intent of inducing the service, personnel, agency, center or utility to respond to the reported emergency, knowing the information to be false. [PL 2025, c. 167, §4 (AMD).]

A violation of this subsection is a Class D crime.

For the purposes of this subsection, "emergency communications center" means a state, county or municipal government entity that receives calls by 9-1-1, business lines, radio or other methods requesting public service or emergency response from public safety agencies and, as appropriate, dispatches requests to public safety agencies and assists in coordinating the response between agencies and other specialized professionals.

[PL 2025, c. 167, §§2-4 (AMD).]

2.

[PL 2023, c. 430, §1 (RP).]

3. A person is guilty of aggravated false public alarm or report if the person violates subsection 1 and the violation causes the evacuation, shutdown or lockdown of a building, school, public square or park, place of assembly or public transportation facility.

A violation of this subsection is a Class C crime.

[PL 2023, c. 430, §1 (NEW).]

SECTION HISTORY

PL 1975, c. 499, §1 (NEW). PL 1975, c. 740, §68 (AMD). PL 1977, c. 510, §56 (AMD). PL 2023, c. 430, §1 (AMD). PL 2025, c. 167, §§2-4 (AMD).

Maryland

§ 9-501.1. False report of an emergency or crime.

(a)

(1) In this section the following words have the meanings indicated.

- (2) “Emergency” means a condition that:
- (i) poses an imminent threat to public safety; and
 - (ii) results in, or is likely to result in:
 - 1. the response of a public official; or
 - 2. the evacuation of an area, a building, a structure, a vehicle, or any other place.
- (3) “Governmental emergency report recipient” means:
- (i) a peace officer;
 - (ii) a police agency of the State or a unit of local government;
 - (iii) a person involved in the operation of a public safety answering point, as defined in § 1-301 of the Public Safety Article; or
 - (iv) any other government employee or contractor who is authorized to receive reports of a crime or an emergency.
- (b)
- (1) A person may not make, or cause to be made, a statement, report, or complaint of an emergency or alleging the commission of a crime that the person knows to be false as a whole or in material part to a governmental emergency report recipient with reckless disregard of causing bodily harm to an individual as a direct result of a response to the statement, report, or complaint.
- (2) A person may not violate paragraph (1) of this subsection by making a false statement, report, or complaint alleging the commission of a crime if the result of the statement, report, or complaint is a response from law enforcement and serious physical injury to a person or the death of a person as a proximate result of lawful conduct arising out of the response.
- (c)
- (1) Except as provided in paragraph (3) of this subsection, a person who violates subsection (b)(1) of this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 3 years or a fine not exceeding \$2,000 or both.
- (2) Except as provided in paragraph (3) of this subsection, a person who violates subsection (b)(2) of this section is guilty of a felony and on conviction is subject to imprisonment not exceeding 10 years or a fine not exceeding \$20,000 or both.
- (3) A first-time violation of this section by a minor is a civil offense subject to the procedures and dispositions provided in Title 3, Subtitle 8A of the Courts Article.
- (4) In addition to any other penalty provided in this subsection, a court, in imposing a sentence on a person convicted of violating this section, may order the person to reimburse any individual who incurs damages as a proximate result of lawful conduct arising out of the response to the statement, report, or complaint.
- (d) A person who violates this section may be charged, prosecuted, tried, and convicted in:
- (1) the county where the defendant made the false statement, report, or complaint;
 - (2) the county in which the statement, report, or complaint was received by a governmental emergency report recipient; or
 - (3) the county in which a governmental emergency report recipient responded to the statement, report, or complaint.
- (e) In addition to any penalties under subsection (c) of this section, a person who violates this section is civilly liable to any individual who is injured as a result of the violation.
- (f) This section may not be construed to conflict with 47 U.S.C. § 230 or 42 U.S.C. § 1983.
- History 2023, ch. 698, § 1; ch. 699, § 1.

Massachusetts

Section 32: Interference or tampering with police or fire signal systems, or motorist highway emergency aid call boxes; false alarms or calls

Section 32. Whoever opens a signal box connected with a police signal system for the purpose of giving, or causing to be given, a false alarm, or interferes in any way with such box by breaking, cutting, injuring or defacing the same; or whoever, without authority, opens, tampers or meddles with such box, or with any part or parts thereof, or with the police signal wires, or with anything connected therewith, or with such purpose, wantonly and without cause tampers or meddles with a signal box connected with a fire signal system or with any part or thing connected therewith, shall be subject to immediate arrest and shall be

punished by a fine of not less than five hundred nor more than one thousand dollars, or by imprisonment for not more than two years, or both.

Whoever opens a motorist highway emergency aid call box on any state highway connected with a highway emergency signal system for the purpose of giving or causing to be given a false call for aid, or interferes in any way with such box by breaking, cutting, injuring or defacing the same; or, without authority, opens, tampers or meddles with such box, or with any part or parts thereof, or with anything connected therewith, or, with such purpose, wantonly and without cause tampers or meddles with a motorist highway emergency aid call box or with any part or thing connected therewith, shall be punished by a fine of not less than one hundred dollars nor more than five hundred dollars.

Section 14B: Willful and malicious communication of false information to public safety answering points; penalty; restitution⁹³

Section 14B. As used in this section, the following words shall have the following meanings:—

"Emergency response services provider", a police department, fire department, emergency medical service provider, PSAP, public safety department, private safety department or other public safety agency.

"PSAP", a facility assigned the responsibility of receiving 911 calls and, as appropriate, directly dispatching emergency response services or transferring or relaying emergency 911 calls to other public or private safety agencies or other PSAPs.

"Silent call", a call or other communication made to a PSAP in which the initiating party fails to provide information regarding his or her identity or location or the nature of the emergency. The initiating party shall not be considered to have provided any information that is automatically transmitted by a communication device or network upon connection with a PSAP including, but not be limited to, automatic location information and automatic number information.

(a) Whoever willfully and maliciously communicates with a PSAP, or causes a communication to be made to a PSAP, 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 or to the wrong location of an actual emergency; or (b) whoever willfully and maliciously, makes or causes to be made 3 or more silent calls to any PSAP and thereby causes emergency services to be dispatched 3 or more times shall be punished by imprisonment in the house of correction for not more than 21/2 years or by a fine of not more than \$1,000. Whoever commits a second or subsequent violation of this section shall be punished by imprisonment in the house of correction for not more than 21/2 years or by imprisonment in the state prison for not more than 10 years or by a fine of not more than 5,000 dollars, or by both such fine and imprisonment.

(b) Upon any conviction under this section, the court shall conduct a hearing to ascertain the extent of costs incurred, and damages and financial loss sustained by any emergency response services provider as a result of the violation and shall order the defendant to make restitution to the emergency response services provider or providers for any such costs, damages or loss. The court shall consider the defendant's present and future ability to pay restitution in its determinations relative to the imposition of a fine. In determining the amount, time and method of payment of restitution, the court shall consider the defendant's employment status, earning ability, financial resources, living expenses, dependents and any special circumstances that may have bearing on their ability to pay. The court may waive restitution or modify the amount, time or method of payment if such restitution payment would cause a substantial financial hardship to the defendant or the defendant's immediate family or the defendant's dependents.

Michigan

750.411a False report of crime or report of medical or other emergency; violation; penalty; payment of costs by juvenile; jurisdiction; definitions.

Sec. 411a.

(1) Except as otherwise provided in subsections (2) and (3), a person who intentionally makes a false report of the commission of a crime, or intentionally causes a false report of the commission of a crime to be

⁹³ Section 59A: Transmission of false reports, location of explosives, etc.; venue

Section 59A. The crime described in section fourteen of chapter two hundred and sixty-nine may be prosecuted and punished in the territorial jurisdiction in which the communication originates or is received.

made, to a peace officer, police agency of this state or of a local unit of government, 9-1-1 operator, or any other governmental employee or contractor or employee of a contractor who is authorized to receive reports of a crime, knowing the report is false, is guilty of a crime as follows:

(a) Except as provided in subdivisions (b) through (e), if the report is a false report of a misdemeanor, the person is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than \$500.00, or both.

(b) Except as provided in subdivisions (c) through (e), if the report is a false report of a felony, the person is guilty of a felony punishable by imprisonment for not more than 4 years or a fine of not more than \$2,000.00, or both.

(c) Except as provided in subdivisions (d) and (e), if the false report results in a response to address the reported crime and a person incurs physical injury as a proximate result of lawful conduct arising out of that response, the person responsible for the false report is guilty of a felony punishable by imprisonment for not more than 5 years or a fine of not more than \$20,000.00, or both.

(d) If the false report results in a response to address the reported crime and a person incurs serious impairment of a body function as a proximate result of lawful conduct arising out of that response, the person responsible for the false report is guilty of a felony punishable by imprisonment for not more than 10 years or a fine of not more than \$25,000.00, or both.

(e) If the false report results in a response to address the reported crime and a person is killed as a proximate result of lawful conduct arising out of that response, the person responsible for the false report is guilty of a felony punishable by imprisonment for not more than 15 years or a fine of not less than \$25,000.00 or more than \$50,000.00, or both.

(2) A person shall not do either of the following:

(a) Knowingly make a false report of a violation or attempted violation of chapter XXXIII or section 327, 328, 397a, or 436 and communicate or cause the communication of the false report to any other person, knowing the report to be false.

(b) Threaten to violate chapter XXXIII or section 327, 328, 397a, or 436 and communicate or cause the communication of the threat to any other person.

(3) A person who violates subsection (2) is guilty of a felony punishable as follows:

(a) Subject to subsection (1)(c) through (e), for a first conviction under subsection (2), by imprisonment for not more than 4 years or a fine of not more than \$2,000.00, or both.

(b) Subject to subsection (1)(d) and (e), for a second or subsequent conviction under subsection (2), imprisonment for not more than 10 years or a fine of not more than \$5,000.00, or both.

(4) A person shall not intentionally make or intentionally cause to be made a false report of a medical or other emergency to a peace officer, police agency of this state or of a local unit of government, firefighter or fire department of this state or a local unit of government of this state, 9-1-1 operator, medical first responder, or any governmental employee or contractor or employee of a contractor who is authorized to receive reports of medical or other emergencies. A person who violates this subsection is guilty of a crime as follows:

(a) Except as provided in subdivisions (b) through (d), the person is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than \$500.00, or both.

(b) Except as provided in subdivisions (c) and (d), if the false report results in a response to address the reported medical or other emergency and a person incurs physical injury as a proximate result of lawful conduct arising out of that response, the person responsible for the false report is guilty of a felony punishable by imprisonment for not more than 5 years or a fine of not more than \$20,000.00, or both.

(c) If the false report results in a response to address the reported medical or other emergency and a person incurs serious impairment of a body function as a proximate result of lawful conduct arising out of that response, the person responsible for the false report is guilty of a felony punishable by imprisonment for not more than 10 years or a fine of not more than \$25,000.00, or both.

(d) If the false report results in a response to address the reported crime and a person is killed as a proximate result of lawful conduct arising out of that response, the person responsible for the false report is guilty of a felony punishable by imprisonment for not more than 15 years or a fine of not less than \$25,000.00 or more than \$50,000.00, or both.

(5) The court may order a person convicted under subsection (2) or (4) to pay to the state or a local unit of government the costs of responding to the false report or threat including, but not limited to, use of police, fire, medical, or other emergency response vehicles and teams, under section 1f of chapter IX of the code of criminal procedure, 1927 PA 175, MCL 769.1f, unless otherwise expressly provided for in this section.

(6) If the person ordered to pay costs under subsection (5) is a juvenile under the jurisdiction of the family division of the circuit court under chapter 10 of the revised judicature act of 1961, 1961 PA 236, MCL 600.1001 to 600.1043, all of the following apply:

(a) If the court determines that the juvenile is or will be unable to pay all of the costs ordered, after notice to the juvenile's parent or parents and an opportunity for the parent or parents to be heard, the court may order the parent or parents having supervisory responsibility for the juvenile, at the time of the acts upon which the order is based, to pay any portion of the costs ordered that is outstanding. An order under this subsection does not relieve the juvenile of his or her obligation to pay the costs as ordered, but the amount owed by the juvenile shall be offset by any amount paid by his or her parent. As used in this subsection, "parent" does not include a foster parent.

(b) If the court orders a parent to pay costs under subdivision (a), the court shall take into account the financial resources of the parent and the burden that the payment of the costs will impose, with due regard to any other moral or legal financial obligations that the parent may have. If a parent is required to pay the costs under subdivision (a), the court shall provide for payment to be made in specified installments and within a specified period of time.

(c) A parent who has been ordered to pay the costs under subdivision (a) may petition the court for a modification of the amount of the costs owed by the parent or for a cancellation of any unpaid portion of the parent's obligation. The court shall cancel all or part of the parent's obligation due if the court determines that payment of the amount due will impose a manifest hardship on the parent.

(7) A violation or attempted violation of this section occurs if the communication of the false report originates in this state, is intended to terminate in this state, or is intended to terminate with a person who is in this state.

(8) A violation or attempted violation of this section may be prosecuted in any jurisdiction in which the communication originated or terminated.

(9) As used in this section:

(a) "Local unit of government" means:

(i) A city, village, township, or county.

(ii) A local or intermediate school district.

(iii) A public school academy.

(iv) A community college.

(b) "Medical first responder" means that term as defined in section 20906 of the public health code, 1978 PA 368, MCL 333.20906.

(c) "Serious impairment of a body function" means that term as defined in section 395.

(d) "State" includes, but is not limited to, a state institution of higher education.

History: Add. 1941, Act 24, Eff. Jan. 10, 1942 ;-- CL 1948, 750.411a ;-- Am. 1958, Act 58, Eff. Sept. 13, 1958 ;-- Am. 1996, Act 303, Eff. Jan. 1, 1997 ;-- Am. 2000, Act 370, Eff. Apr. 1, 2001 ;-- Am. 2002, Act 672, Eff. Mar. 31, 2003 ;-- Am. 2004, Act 104, Eff. July 1, 2004 ;-- Am. 2012, Act 330, Eff. Jan. 1, 2013
History: Add. 2022, Act 155, Eff. Oct. 17, 2022

Minnesota

609.78 EMERGENCY TELEPHONE CALLS AND COMMUNICATIONS.

Subdivision 1. Misdemeanor offenses. Whoever does the following is guilty of a misdemeanor:

(1) refuses to relinquish immediately a coin-operated telephone or a telephone line consisting of two or more stations when informed that the line is needed to make an emergency call;

(2) secures a relinquishment of a coin-operated telephone or a telephone line consisting of two or more stations by falsely stating that the line is needed for an emergency;

(3) publishes telephone directories to be used for telephones or telephone lines and the directories do not contain a copy of this section;

(4) makes a call for emergency police, fire, medical, or ambulance service, knowing that no police, fire, or medical emergency exists;

(5) interrupts, disrupts, impedes, or otherwise interferes with the transmission of a citizen's band radio channel communication the purpose of which is to inform or inquire about a medical emergency or an

emergency in which property is or is reasonably believed to be in imminent danger of damage or destruction; or

(6) makes or initiates an emergency call, knowing that no emergency exists, and with the intent to disrupt, interfere with, or reduce the provision of emergency services or the emergency call center's resources, remains silent, or makes abusive or harassing statements to the call recipient.

Subd. 2. Gross misdemeanor offenses. Whoever does the following is guilty of a gross misdemeanor:

(1) intentionally interrupts, disrupts, impedes, or interferes with an emergency call or who intentionally prevents or hinders another from placing an emergency call, and whose conduct does not result in a violation of section 609.498;

(2) places an emergency call and reports a fictitious emergency with the intent of prompting an emergency response by law enforcement, fire, or emergency medical services personnel; or

(3) violates subdivision 1, clause (6), after having been previously convicted or adjudicated delinquent for violating that clause.

Subd. 2a. Felony offense; reporting fictitious emergency resulting in serious injury. Whoever violates subdivision 2, clause (2), is guilty of a felony and may be sentenced as follows:

(1) to imprisonment for not more than ten years or to payment of a fine of not more than \$20,000, or both, if the call triggers an emergency response and, as a result of the response, someone suffers great bodily harm or death; or

(2) to imprisonment of not more than three years or to payment of a fine of not more than \$10,000, or both, if the call triggers an emergency response and as a result of the response, someone suffers substantial bodily harm.

Subd. 2b. Other felony offenses. Whoever does the following is guilty of a felony and may be sentenced to imprisonment for not more than five years or to payment of a fine of not more than \$10,000, or both:

(1) violates subdivision 1, clause (6), after having been previously convicted or adjudicated delinquent for violating that clause on more than one occasion; or

(2) intentionally uses multiple communications devices or electronic means to block, interfere with, overload, or otherwise prevent the emergency call center's system from functioning properly, and these actions make the system unavailable to someone needing emergency assistance.

Subd. 2c. Felony offense; reporting fictitious emergency resulting in response to the home of certain officials. Whoever violates subdivision 2, clause (2), is guilty of a felony and may be sentenced to imprisonment for not more than one year or to payment of a fine of not more than \$5,000, or both, if the person places the call with the intent of prompting an emergency response to the home of:

(1) an elected official;

(2) a judge as defined in section 609.221, subdivision 6, clause (5);

(3) a prosecuting attorney as defined in section 609.221, subdivision 6, clause (4);

(4) a correctional employee of the state or a local political subdivision; or

(5) a peace officer as defined in section 626.84, subdivision 1, paragraph (c).

Subd. 3. Definition. (a) Except as provided in paragraph (b), for purposes of this section, "emergency call" means:

(1) a 911 call;

(2) any call for emergency medical or ambulance service; or

(3) any call for assistance from a police or fire department or for other assistance needed in an emergency to avoid serious harm to person or property, and an emergency exists.

(b) As used in subdivisions 1, clause (6); 2, clause (2); 2a; and 2c:

(1) "call" includes the use of any method of communication including, but not limited to: telephones, facsimiles, Voice over Internet Protocols, email messages, text messages, and electronic transmissions of an image or video; and

(2) "emergency call" has the meaning given in paragraph (a) but does not require the existence of an emergency.

History: 1963 c 753 art 1 s 609.78; 1971 c 23 s 79; 1983 c 140 s 1; 1984 c 630 s 1; 1997 c 239 art 3 s 19; 1999 c 24 s 1; 2008 c 270 s 1; 2013 c 20 s 1; 2023 c 52 art 4 s 19; 2024 c 123 art 6 s 17,18; 2025 c 35 art 4 s 11

Does not meet inclusion criterion

Missouri

575.080. False reports — penalty.

1. A person commits the offense of making a false report if he or she knowingly:

- (1) Gives false information to any person for the purpose of implicating another person in an offense; or
- (2) Makes a false report to a law enforcement officer that an offense has occurred or is about to occur; or
- (3) Makes a false report or causes a false report to be made to a law enforcement officer, security officer, fire department or other organization, official or volunteer, which deals with emergencies involving danger to life or property that a fire or other incident calling for an emergency response has occurred or is about to occur.

2. It is a defense to a prosecution under subsection 1 of this section that the person retracted the false statement or report before the law enforcement officer or any other person took substantial action in reliance thereon.

3. The defendant shall have the burden of injecting the issue of retraction under subsection 2 of this section.

4. The offense of making a false report is a class B misdemeanor.

(L. 1977 S.B. 60, A.L. 2002 S.B. 712, A.L. 2014 S.B. 491) Effective 1-01-17

Montana

45-7-204. False alarms to agencies of public safety.

(1) A person commits an offense under this section if the person knowingly causes a false alarm of fire or other emergency to be transmitted to or within any organization, official or volunteer, that deals with emergencies involving danger to life or property.

(2) A person convicted of an offense under this section shall be fined not to exceed \$500 or be imprisoned in the county jail for any term not to exceed 6 months, or both.

History: En. 94-7-205 by Sec. 1, Ch. 513, L. 1973; R.C.M. 1947, 94-7-205; amd. Sec. 1681, Ch. 56, L. 2009.

Nebraska

28-907. False reporting; penalty.

(1) A person commits the offense of false reporting if he or she:

- (a) Furnishes material information he or she knows to be false to any peace officer or other official with the intent to instigate an investigation of an alleged criminal matter or to impede the investigation of an actual criminal matter;
- (b) Furnishes information he or she knows to be false alleging the existence of the need for the assistance of an emergency medical service or emergency care provider or an emergency in which human life or property are in jeopardy to any hospital, emergency medical service, or other person or governmental agency;
- (c) Furnishes any information, or causes such information to be furnished or conveyed by electric, electronic, telephonic, or mechanical means, knowing the same to be false concerning the need for assistance of a fire department or any personnel or equipment of such department;
- (d) Furnishes any information he or she knows to be false concerning the location of any explosive in any building or other property to any person; or
- (e) Furnishes material information he or she knows to be false to any governmental department or agency with the intent to instigate an investigation or to impede an ongoing investigation and which actually results in causing or impeding such investigation.

(2)(a) False reporting pursuant to subdivisions (1)(a) through (d) of this section is a Class I misdemeanor.

(b) False reporting pursuant to subdivision (1)(e) of this section is an infraction.

1. Elements

Subsection (1)(a) of this section includes other officials besides police officers who have the authority to investigate actual criminal matters. Nebraska Legislature on behalf of State v. Hergert, 271 Neb. 976, 720 N.W.2d 372 (2006).

Subsection (1)(a) of this section prohibits a person from furnishing material information he or she knows to be false to any peace officer or other official with the intent to impede the investigation of an actual criminal matter. Nebraska Legislature on behalf of State v. Hergert, 271 Neb. 976, 720 N.W.2d 372 (2006). To commit the crime of false reporting one need not actually impede a police investigation, but must furnish false information with the intent to impede the investigation of a criminal matter. State v. Gonzales, 224 Neb. 659, 399 N.W.2d 832 (1987).

"To impede the investigation of an actual criminal matter" includes the impeding of the gathering of information as to the identity of a defendant named in an arrest warrant. State v. Nissen, 224 Neb. 60, 395 N.W.2d 560 (1986).

The phrase "the investigation of an actual criminal matter" requires that there be a legitimate and valid investigation of facts which could constitute a predicate criminal offense. State v. Ewing, 221 Neb. 462, 378 N.W.2d 158 (1985).

The defendant's allegedly false statements to the 911 emergency dispatch service concerning crimes being committed at a certain address were made to a peace officer for purposes of the criminal statute prohibiting false reporting of a criminal matter; although the 911 emergency dispatch service was not a branch of law enforcement, it acted as an intermediary used by the general public to reach peace officers, and statements made to the emergency dispatch service were made with the intent to summon a law enforcement officer to that address. State v. Halligan, 20 Neb. App. 87, 818 N.W.2d 650 (2012).

2. Miscellaneous

The purpose of subsection (1)(a) of this section is to prevent the public from willfully furnishing erroneous information to law enforcement officers and thus interfering with the performance of their duties.

Interference with an officer's duties includes false statements that impede an officer's gathering of information. Nebraska Legislature on behalf of State v. Hergert, 271 Neb. 976, 720 N.W.2d 372 (2006).

Evidence was sufficient for juvenile court to find beyond a reasonable doubt that defendant had violated provisions of this section. In re Interest of McManaman, 222 Neb. 263, 383 N.W.2d 45 (1986).

Purpose of statute is to prevent wasted time and efforts of law enforcement personnel by discouraging public from willfully furnishing erroneous information to law enforcement officers which may interfere with performance of their duties. In re Interest of McManaman, 222 Neb. 263, 383 N.W.2d 45 (1986).

A local ordinance which did not explicitly require that the false statement be material or be given with the intent to instigate or impede a criminal investigation is not inconsistent with this section where the ordinance does not restrict anything expressly permitted by this section and the provisions are able to coexist. In re Interest of Genevieve C., 13 Neb. App. 665, 698 N.W.2d 462 (2005).

A person must have reliable knowledge of the principal's identity to be guilty as an accessory under section 28-204. Merely reporting false information about a crime without knowledge of the principal's identity constitutes the misdemeanor of false reporting, as defined by this section. State v. Anderson, 10 Neb. App. 163, 626 N.W.2d 627 (2001).

Nevada

Does not meet inclusion criterion

New Hampshire

644:3 False Public Alarms.

I. Any person who directly or indirectly communicates to any governmental agency that commonly deals with emergencies involving danger to life or property a report known by him to be false regarding a fire, explosion, or other catastrophe or emergency, shall be guilty of a misdemeanor; except if the report concerns the presence of an active shooter, the presence of an explosive device, or the presence of a biological or chemical substance, the offense shall constitute a class B felony.

II. Any person who directly or indirectly communicates to any school, business, office building, hospital, or similar facility open to the public, a report concerning the presence of an active shooter, the presence of an

explosive device, or the presence of a biological or chemical substance, knowing such report is false, shall be guilty of a class B felony.

III. Any person who knowingly delivers, or causes the delivery of any substance the actor knows could reasonably be perceived as a biological or chemical substance, with the purpose of causing fear or terrorism and with reckless disregard for the risk that emergency services will be dispatched as a result of such delivery, shall be guilty of a class B felony.

IV. This section shall not apply to false alarms subject to RSA 644:3-a or RSA 644:3-b, or false reports under RSA 158:38.

Source. 1971, 518:1. 1975, 25:1. 1981, 553:3. 2002, 222:8, eff. Jan. 1, 2003. 2023, 104:1, eff. Jan. 1, 2024.

641:4 False Reports to Law Enforcement.

A person is guilty of a misdemeanor if he:

I. Knowingly gives or causes to be given false information to any law enforcement officer with the purpose of inducing such officer to believe that another has committed an offense; or

II. Knowingly gives or causes to be given information to any law enforcement officer concerning the commission of an offense, or the danger from an explosive or other dangerous substance, knowing that the offense or danger did not occur or exist or knowing that he has no information relating to the offense or danger.

Source. 1971, 518:1, eff. Nov. 1, 1973.

New Jersey

2C:33-3 False public alarms.

(1)

(a) Except as otherwise provided in this section, a person is guilty of a crime of the third degree if he initiates or circulates a report or warning of an impending fire, explosion, crime, catastrophe, emergency, or any other incident knowing that the report or warning is false or baseless and that it is likely to cause evacuation of a building, place of assembly, or facility of public transport, or to cause public inconvenience or alarm.

(b) A person is guilty of a crime of the second degree if the false alarm involves a report or warning of an impending bombing, hostage situation, person armed with a deadly weapon as defined by subsection c. of N.J.S.2C:11-1, or any other incident that elicits an immediate or heightened response by law enforcement or emergency services.

(c) A person is guilty of a crime of the second degree if the false alarm involves a report or warning about any critical infrastructure located in this State. For purposes of this subparagraph, "critical infrastructure" means any building, place of assembly, or facility that is indispensably necessary for national security, economic stability, or public safety.

(2) A person is guilty of a crime of the third degree if he knowingly causes the false alarm to be transmitted to or within any organization, official or volunteer, for dealing with emergencies involving danger to life or property.

b. A person is guilty of a crime of the second degree if in addition to the report or warning initiated, circulated or transmitted under subsection a. of this section, he places or causes to be placed any false or facsimile bomb in a building, place of assembly, or facility of public transport or in a place likely to cause public inconvenience or alarm. A violation of this subsection is a crime of the first degree if it occurs during a declared period of national, State or county emergency.

c. A person is guilty of a crime of the second degree if a violation of subsection a. of this section in fact results in serious bodily injury to another person or occurs during a declared period of national, State or county emergency. A person is guilty of a crime of the first degree if a violation of subsection a. of this section in fact results in death.

d. For the purposes of this section, "in fact" means that strict liability is imposed. It shall not be a defense that the death or serious bodily injury was not a foreseeable consequence of the person's acts or that the death or serious bodily injury was caused by the actions of another person or by circumstances beyond the control of the actor. The actor shall be strictly liable upon proof that the crime occurred during a declared period of national, State or county emergency. It shall not be a defense that the actor did not know that there was a declared period of emergency at the time the crime occurred.

e. A person is guilty of a crime of the fourth degree if the person knowingly places a call to a 9-1-1 emergency telephone system without purpose of reporting the need for 9-1-1 service.

f. A person is guilty of a crime of the third degree if the person knowingly places a call to a 9-1-1 emergency telephone system with purpose to intimidate or harass an individual or group of individuals because of race, color, religion, gender, disability, sexual orientation, gender identity or expression, national origin, or ethnicity.

All local and county law enforcement authorities shall submit an annual report, on a form prescribed by the Attorney General, to the Uniform Crime Reporting Unit, within the Division of State Police in the Department of Law and Public Safety, or to another designated recipient determined by the Attorney General, containing the number and nature of offenses under this section committed within their respective jurisdictions and the disposition of these offenses. Every two years, the Uniform Crime Reporting Unit or other designated recipient of the annual reports shall forward a summary of all reports received during the preceding two-year period, along with a summary of offenses investigated by the Division of State Police for the same period, to the State's Office of Emergency Management.

Amended 1987, c.6; 1994, c.115; 1996, c.63, s.1; 1999, c.195, s.1; 2002, c.26, s.16; 2015, c.156; 2020, c.73, s.2.

New Mexico

30-7-21. False report.

A. False report consists of knowingly conveying or causing to be conveyed to any police agency or fire department a false report concerning a fire or explosion or the placement of any explosives or explosive or incendiary device or any other destructive substance and includes, but is not limited to, setting off a fire alarm.

B. Any person who commits false report which causes death or great bodily harm to another is guilty of a fourth degree felony, but if such death or great bodily harm is not caused, the person is guilty of a misdemeanor.

History: Laws 1981, ch. 246, § 5.

30-20-16. Bomb scares and shooting threats unlawful.

A. Making a bomb scare consists of intentionally and maliciously stating to another person that a bomb or other explosive has been placed in such a position that property or persons are likely to be injured or destroyed.

B. Making a shooting threat consists of intentionally and maliciously communicating to another person a serious expression of an intent to bring a firearm to a property or use the firearm and an intent to:

- (1) place a person or group of persons in fear of great bodily harm, and a person or group of persons was placed in fear of great bodily harm;
- (2) prevent or interrupt the occupation or use of a public building, and the occupation or use of a public building was prevented or interrupted; or
- (3) cause a response to the threat by a law enforcement official or volunteer agency organized to deal with emergencies, and the threat caused a response by a law enforcement official or volunteer agency organized to deal with emergencies.

C. Whoever commits making a bomb scare is guilty of a fourth degree felony.

D. Whoever commits making a shooting threat is guilty of a fourth degree felony.

E. A court may order a person convicted for the offense of making a bomb scare or shooting threat to reimburse the victim of the offense for economic harm caused by that offense.

F. As used in this section, "economic harm" means all direct, incidental and consequential financial harm suffered by a victim of the offense of making a bomb scare or shooting threat. "Economic harm" includes:

- (1) wages, salaries or other compensation lost as a result of the commission of the offense of making a bomb scare or shooting threat;
- (2) the cost of all wages, salaries or other compensation paid to employees for time that those employees are prevented from working as a result of the commission of the offense of making a bomb scare or shooting threat; and
- (3) overhead costs incurred for the period of time that a business is shut down as a result of the commission of the offense of making a bomb scare or shooting threat.

History: 1953 Comp., § 40A-20-13, enacted by Laws 1975, ch. 285, § 1; 1981, ch. 15, § 1; 2003, ch. 35, § 1; 2022, ch. 56, § 24; 2025, ch. 4, § 16.

ANNOTATIONS

The 2025 amendment, effective June 20, 2025, increased the penalty for making a shooting threat, and clarified certain language in the statute; in Subsection A, after "consists of", deleted "falsely" and added "intentionally"; in Subsection B, in the introductory clause, after "consists of intentionally", added "and maliciously", and after "another person", added "a serious expression", in Paragraph B(1), after "great bodily harm", added "and a person or group of persons was placed in fear of great bodily harm", in Paragraph B(2), after "public building", added "and the occupation or use of a public building was prevented or interrupted", and in Paragraph B(3), after "emergencies", added "and the threat caused a response by a law enforcement official or volunteer agency organized to deal with emergencies"; and in Subsection D, after "guilty of a", deleted "misdemeanor" and added "fourth degree felony".

The 2022 amendment, effective May 18, 2022, made making a shooting threat unlawful, and provided a penalty; in the section heading, added "and shooting threats"; added a new Subsection B and redesignated former Subsection B as Subsection C; added a new Subsection D and redesignated former Subsection C and D as Subsections E and F, respectively; in Subsections E and F, after each occurrence of "bomb scare", added "or shooting threat"; and deleted former Subsection E.

The 2003 amendment, effective July 1, 2003, designated the former first and second paragraphs as Subsections A and B; added Subsections C, D and E; and substituted "commits making" for "makes" following "Whoever" at the beginning of Subsection B.

Restitution. — Although the trial court may request that an inquiry into defendant's ability to pay be made by a probation officer, it is mandatory that the actual determination of defendant's ability to pay be made by the court. Trial court may not delegate to probation officer determination of defendant's ability to pay obligations imposed by court. Amount of restitution and time of payment must be set by court and not be left to discretion of probation authorities. *State v. Carrasco*, 1997-NMCA-123, 124 N.M. 320, 950 P.2d 293 Am. Jur. 2d, A.L.R. and C.J.S. references. — Validity and construction of terroristic threat statutes, 45 A.L.R.4th 949.

Imposition of state or local penalties for threatening to use explosive devices at schools or other buildings, 79 A.L.R.5th 1.

Validity, construction, and application of 18 U.S.C.A. § 844(e), prohibiting use of mail, telephone, telegraph, or other instrument of commerce to convey bomb threat, 160 A.L.R. Fed. 625.

63-9D-11.1. Violation; penalties.

A. Any person who knowingly dials 911 for the purpose of reporting a false alarm, making a false complaint or reporting false information that results in an emergency response by any public safety agency is guilty of a petty misdemeanor and shall be punished by a fine of not more than five hundred dollars (\$500) or imprisonment for a term not to exceed six months, or both.

B. A municipality or a county may adopt an ordinance making it a violation for any person to knowingly dial 911 for the purpose of reporting a false alarm, making a false complaint or reporting false information that results in an emergency response by any public safety agency. The municipality may adopt and enforce the ordinance pursuant to the authority provided in Section 3-17-1 NMSA 1978. The county may adopt and enforce the ordinance pursuant to the authority provided in Section 4-37-1 NMSA 1978.

History: Laws 1993, ch. 48, § 13; 2017, ch. 122, § 8.

New York

§ 240.50 Falsely reporting an incident in the third degree.

A person is guilty of falsely reporting an incident in the third degree when, knowing the information reported, conveyed or circulated to be false or baseless, he or she:

1. Initiates or circulates a false report or warning of an alleged occurrence or impending occurrence of a crime, catastrophe or emergency under circumstances in which it is not unlikely that public alarm or inconvenience will result; or
2. Reports, by word or action, to an official or quasi-official agency or organization having the function of dealing with emergencies involving danger to life or property, an alleged occurrence or impending

occurrence of a catastrophe or emergency which did not in fact occur or does not in fact exist; or

3. Gratuitously reports to a law enforcement officer or agency (a) the alleged occurrence of an offense or incident which did not in fact occur; or (b) an allegedly impending occurrence of an offense or incident which in fact is not about to occur; or (c) false information relating to an actual offense or incident or to the alleged implication of some person therein; or

4. Reports, by word or action, an alleged occurrence or condition of child abuse or maltreatment or abuse or neglect of a vulnerable person which did not in fact occur or exist to:

(a) the statewide central register of child abuse and maltreatment, as defined in title six of article six of the social services law or the vulnerable persons' central register as defined in article eleven of such law, or

(b) any person required to report cases of suspected child abuse or maltreatment pursuant to subdivision one of section four hundred thirteen of the social services law or to report cases of suspected abuse or neglect of a vulnerable person pursuant to section four hundred ninety-one of such law, knowing that the person is required to report such cases, and with the intent that such an alleged occurrence be reported to the statewide central register or vulnerable persons' central register.

Falsely reporting an incident in the third degree is a class A Misdemeanor.

§ 240.55 Falsely reporting an incident in the second degree.

A person is guilty of falsely reporting an incident in the second degree when, knowing the information reported, conveyed or circulated to be false or baseless, he or she:

1. Initiates or circulates a false report or warning of an alleged occurrence or impending occurrence of a fire, explosion, or the release of a hazardous substance under circumstances in which it is not unlikely that public alarm or inconvenience will result;

2. Reports, by word or action, to any official or quasi-official agency or organization having the function of dealing with emergencies involving danger to life or property, an alleged occurrence or impending occurrence of a fire, explosion, or the release of a hazardous substance which did not in fact occur or does not in fact exist; or

3. Knowing the information reported, conveyed or circulated to be false or baseless and under circumstances in which it is likely public alarm or inconvenience will result, he or she initiates or circulates a report or warning of an alleged occurrence or an impending occurrence of a fire, an explosion, or the release of a hazardous substance upon any private premises.

Falsely reporting an incident in the second degree is a class E felony.

§ 240.60 Falsely reporting an incident in the first degree.

A person is guilty of falsely reporting an incident in the first degree when he:

1. commits the crime of falsely reporting an incident in the second degree as defined in section 240.55 of this article, and has previously been convicted of that crime; or

2. commits the crime of falsely reporting an incident in the third degree as defined in subdivisions one and two of section 240.50 of this article or falsely reporting an incident in the second degree as defined in subdivisions one and two of section 240.55 of this article and another person who is an employee or member of any official or quasi-official agency having the function of dealing with emergencies involving danger to life or property; or who is a volunteer firefighter with a fire department, fire company, or any unit thereof as defined in the volunteer firefighters' benefit law; or who is a volunteer ambulance worker with a volunteer ambulance corporation or any unit thereof as defined in the volunteer ambulance workers' benefit law suffers serious physical injury or is killed in the performance of his or her official duties in traveling to or working at or returning to a firehouse, police station, quarters or other base facility from the location identified in such report; or

3. commits the crime of falsely reporting an incident in the third degree as defined in subdivisions one and two of section 240.50 of this article or falsely reporting an incident in the second degree as defined in subdivisions one and two of section 240.55 of this article and another person suffers serious physical injury or is killed as a result of any vehicular or other accident involving any emergency vehicle which is responding to, operating at, or returning from the location identified in such report.

4. An emergency vehicle as referred to in subdivision three of this section shall include any vehicle operated by any employee or member of any official or quasi-official agency having the function of dealing

with emergencies involving danger to life or property and shall include, but not necessarily be limited to, an emergency vehicle which is operated by a volunteer firefighter with a fire department, fire company, or any unit thereof as defined in the volunteer firefighters' benefit law; or by a volunteer ambulance worker with a volunteer ambulance corporation, or any unit thereof as defined in the volunteer ambulance workers' benefit law.

5. Knowing the information reported, conveyed or circulated to be false or baseless and under circumstances in which it is likely public alarm or inconvenience will result, he or she initiates or circulates a report or warning of an alleged occurrence or an impending occurrence of a fire, an explosion, or the release of a hazardous substance upon school grounds and it is likely that persons are present on said grounds.

6. Knowing the information reported, conveyed or circulated to be false or baseless and under circumstances in which it is likely public alarm or inconvenience will result, he or she initiates or circulates a report or warning of an alleged occurrence or impending occurrence of a fire, explosion or the release of a hazardous substance in or upon a sports stadium or arena, mass transportation facility, enclosed shopping mall, any public building or any public place, and it is likely that persons are present. For purposes of this subdivision, the terms "sports stadium or arena, mass transportation facility or enclosed shopping mall" shall have their natural meaning and the term "public building" shall have the meaning set forth in section four hundred one of the executive law.

Falsely reporting an incident in the first degree is a class D felony.

North Carolina

Does not meet inclusion criterion

North Dakota

12.1-11-03. False information or report to law enforcement officers or security officials.

1. An individual is guilty of a class A misdemeanor if that individual: a. Gives false information or a false report to a law enforcement officer which that individual knows to be false, and the information or report may interfere with an investigation or may materially mislead a law enforcement officer; or

b. Falsely reports to a law enforcement officer or other security official the occurrence of a crime of violence or other incident calling for an emergency response when that individual knows the incident did not occur. "Security official" means a public servant responsible for averting or handling emergencies involving public safety.

2. An on duty law enforcement officer having probable cause to suspect an individual has vexatiously provided a false report regarding another individual to a law enforcement officer or security official shall report the information to the state's attorney of the county in which the violation occurs.

Ohio

Section 2917.321 | Swatting.

(A) As used in this section:

(1) "Emergency response" means an action taken by a law enforcement agency to preserve the life, health, safety, or property of any person.

(2) "Public safety answering point" and "emergency service provider" have the same meanings as in section 128.01 of the Revised Code.

(3) "Telecommunications device" and "telecommunications service" have the same meanings as in section 2913.01 of the Revised Code.

(B) No person by means of a telecommunications device or telecommunications service shall report or cause to be reported false or misleading information to a law enforcement agency, emergency service provider, or public safety answering point, knowing the information to be false or misleading, with reckless disregard as to whether the report may cause bodily harm to any individual as a direct result of an emergency response to the report, and under circumstances where the report is reasonably likely to cause an emergency response from a law enforcement agency, emergency service provider, or public safety answering point and the report does cause an emergency response.

- (C) This section does not apply to any person conducting an authorized emergency drill.
- (D)(1) Whoever violates this section is guilty of swatting.
- (2) Except as otherwise provided in division (D)(3) of this section, swatting is a felony of the fourth degree.
- (3) If a violation of this section results in serious physical harm to any person, it is a felony of the second degree.
- (E) Prior to the sentencing of a person who has been convicted of or pleaded guilty to a violation of this section, the court shall enter an order that directs any law enforcement agency or emergency service provider involved in the emergency response that wishes to be reimbursed for the costs incurred by the agency or provider during the emergency response, to file with the court within a specified time an itemized statement of those costs. The court may then order the offender to reimburse the agency for all or a portion of those costs under section 2929.18 of the Revised Code.
- (F) Any act that is a violation of this section and any other section of the Revised Code may be prosecuted under this section, the other section, or both sections.
- Last updated January 31, 2023 at 12:56 PM

Section 2917.31 | Inducing panic.

- (A) No person shall cause the evacuation of any public place, or otherwise cause serious public inconvenience or alarm, by doing any of the following:
- (1) Initiating or circulating a report or warning of an alleged or impending fire, explosion, crime, or other catastrophe, knowing that such report or warning is false;
- (2) Threatening to commit any offense of violence;
- (3) Committing any offense, with reckless disregard of the likelihood that its commission will cause serious public inconvenience or alarm.
- (B) Division (A)(1) of this section does not apply to any person conducting an authorized fire or emergency drill.
- (C)(1) Whoever violates this section is guilty of inducing panic.
- 2) Except as otherwise provided in division (C)(3), (4), (5), (6), (7), or (8) of this section, inducing panic is a misdemeanor of the first degree.
- (3) Except as otherwise provided in division (C)(4), (5), (6), (7), or (8) of this section, if a violation of this section results in physical harm to any person, inducing panic is a felony of the fourth degree.
- (4) Except as otherwise provided in division (C)(5), (6), (7), or (8) of this section, if a violation of this section results in economic harm, the penalty shall be determined as follows:
- (a) If the violation results in economic harm of one thousand dollars or more but less than seven thousand five hundred dollars and if division (C)(3) of this section does not apply, inducing panic is a felony of the fifth degree.
- (b) If the violation results in economic harm of seven thousand five hundred dollars or more but less than one hundred fifty thousand dollars, inducing panic is a felony of the fourth degree.
- (c) If the violation results in economic harm of one hundred fifty thousand dollars or more, inducing panic is a felony of the third degree.
- (5) If the public place involved in a violation of division (A)(1) of this section is a school or an institution of higher education, inducing panic is a felony of the second degree.
- (6) If the violation pertains to a purported, threatened, or actual use of a weapon of mass destruction, and except as otherwise provided in division (C)(5), (7), or (8) of this section, inducing panic is a felony of the fourth degree.
- (7) If the violation pertains to a purported, threatened, or actual use of a weapon of mass destruction, and except as otherwise provided in division (C)(5) of this section, if a violation of this section results in physical harm to any person, inducing panic is a felony of the third degree.
- (8) If the violation pertains to a purported, threatened, or actual use of a weapon of mass destruction, and except as otherwise provided in division (C)(5) of this section, if a violation of this section results in economic harm of one hundred thousand dollars or more, inducing panic is a felony of the third degree.
- (D)(1) It is not a defense to a charge under this section that pertains to a purported or threatened use of a weapon of mass destruction that the offender did not possess or have the ability to use a weapon of mass destruction or that what was represented to be a weapon of mass destruction was not a weapon of mass destruction.
- (2) Any act that is a violation of this section and any other section of the Revised Code may be prosecuted under this section, the other section, or both sections.

(E) As used in this section:

(1) "Economic harm" means any of the following:

(a) All direct, incidental, and consequential pecuniary harm suffered by a victim as a result of criminal conduct. "Economic harm" as described in this division includes, but is not limited to, all of the following:

(i) All wages, salaries, or other compensation lost as a result of the criminal conduct;

(ii) The cost of all wages, salaries, or other compensation paid to employees for time those employees are prevented from working as a result of the criminal conduct;

(iii) The overhead costs incurred for the time that a business is shut down as a result of the criminal conduct;

(iv) The loss of value to tangible or intangible property that was damaged as a result of the criminal conduct.

(b) All costs incurred by the state or any political subdivision as a result of, or in making any response to, the criminal conduct that constituted the violation of this section or section 2917.32 of the Revised Code, including, but not limited to, all costs so incurred by any law enforcement officers, firefighters, rescue personnel, or emergency medical services personnel of the state or the political subdivision.

(2) "School" means any school operated by a board of education or any school for which the director of education and workforce prescribes minimum standards under section 3301.07 of the Revised Code, whether or not any instruction, extracurricular activities, or training provided by the school is being conducted at the time a violation of this section is committed.

(3) "Weapon of mass destruction" means any of the following:

(a) Any weapon that is designed or intended to cause death or serious physical harm through the release, dissemination, or impact of toxic or poisonous chemicals, or their precursors;

(b) Any weapon involving a disease organism or biological agent;

(c) Any weapon that is designed to release radiation or radioactivity at a level dangerous to human life;

(d) Any of the following, except to the extent that the item or device in question is expressly excepted from the definition of "destructive device" pursuant to 18 U.S.C. 921(a)(4) and regulations issued under that section:

(i) Any explosive, incendiary, or poison gas bomb, grenade, rocket having a propellant charge of more than four ounces, missile having an explosive or incendiary charge of more than one-quarter ounce, mine, or similar device;

(ii) Any combination of parts either designed or intended for use in converting any item or device into any item or device described in division (E)(3)(d)(i) of this section and from which an item or device described in that division may be readily assembled.

(4) "Biological agent" has the same meaning as in section 2917.33 of the Revised Code.

(5) "Emergency medical services personnel" has the same meaning as in section 2133.21 of the Revised Code.

(6) "Institution of higher education" means any of the following:

(a) A state university or college as defined in division (A)(1) of section 3345.12 of the Revised Code, community college, state community college, university branch, or technical college;

(b) A private, nonprofit college, university or other post-secondary institution located in this state that possesses a certificate of authorization issued by the chancellor of higher education pursuant to Chapter 1713. of the Revised Code;

(c) A post-secondary institution with a certificate of registration issued by the state board of career colleges and schools under Chapter 3332. of the Revised Code.

Last updated September 15, 2023 at 1:55 PM

Section 2917.32 | Making false alarms.

(A) No person shall do any of the following:

(1) Initiate or circulate a report or warning of an alleged or impending fire, explosion, crime, or other catastrophe, knowing that the report or warning is false and likely to cause public inconvenience or alarm;

(2) Knowingly cause a false alarm of fire or other emergency to be transmitted to or within any organization, public or private, for dealing with emergencies involving a risk of physical harm to persons or property;

(3) Report to any law enforcement agency an alleged offense or other incident within its concern, knowing that such offense did not occur;

- (4) Initiate or circulate a report or warning of an alleged or impending fire, explosion, crime, or other catastrophe, knowing that the report or warning is false and likely to impede the operation of a critical infrastructure facility.
- (B) This section does not apply to any person conducting an authorized fire or emergency drill.
- (C)(1) Whoever violates this section is guilty of making false alarms.
- (2) Except as otherwise provided in division (C)(3), (4), (5), or (6) of this section, making false alarms is a misdemeanor of the first degree.
- (3) Except as otherwise provided in division (C)(4) of this section, if a violation of this section results in economic harm of one thousand dollars or more but less than seven thousand five hundred dollars, making false alarms is a felony of the fifth degree.
- (4) If a violation of this section pertains to a purported, threatened, or actual use of a weapon of mass destruction, making false alarms is a felony of the third degree.
- (5) If a violation of this section results in economic harm of seven thousand five hundred dollars or more but less than one hundred fifty thousand dollars and if division (C)(4) of this section does not apply, making false alarms is a felony of the fourth degree.
- (6) If a violation of this section results in economic harm of one hundred fifty thousand dollars or more, making false alarms is a felony of the third degree.
- (D)(1) It is not a defense to a charge under this section that pertains to a purported or threatened use of a weapon of mass destruction that the offender did not possess or have the ability to use a weapon of mass destruction or that what was represented to be a weapon of mass destruction was not a weapon of mass destruction.
- (2) Any act that is a violation of this section and any other section of the Revised Code may be prosecuted under this section, the other section, or both sections.
- (E) As used in this section:
- (1) "Critical infrastructure facility" has the same meaning as in section 2911.21 of the Revised Code.
- (2) "Economic harm" and "weapon of mass destruction" have the same meanings as in section 2917.31 of the Revised Code.

Oklahoma

§21-589. False reporting of crime - False reporting of missing child.

A. It shall be unlawful to willfully, knowingly and without probable cause make a false report to any person of any crime or circumstances indicating the possibility of crime having been committed, including the unlawful taking of personal property, which report causes or encourages the exercise of police action or investigation. Any person convicted of violating the provisions of this subsection shall be guilty of a misdemeanor punishable by imprisonment in the county jail for not more than ninety (90) days or by a fine of not more than Five Hundred Dollars (\$500.00), or by both such fine and imprisonment.

1B. It shall be unlawful to willfully, knowingly, and without probable cause communicate false information concerning a missing child to a law enforcement agency that causes or encourages the activation of an AMBER alert warning system. Any person convicted of violating the provisions of this subsection shall be guilty of a felony punishable by imprisonment in the county jail for not more than one (1) year or by a fine of not less than One Thousand Dollars (\$1,000.00), or by both such fine and imprisonment. Added by Laws 1961, p. 227, § 1. Amended by Laws 2005, c. 109, § 1, eff. Nov. 1, 2005; Laws 2007, c. 189, § 1, eff. Nov. 1, 2007.

§21-1851. False reporting.

It shall be unlawful for any person to report, or cause to be reported, directly or indirectly, the existence of a fire to a fire department, fire station or other agency charged with the responsibility of extinguishing fires, unless such person knows or reasonably believes that such fire is in existence. Laws 1957, p. 166, § 1.

Oregon

162.375 Initiating a false report.

(1) A person commits the crime of initiating a false report if the person knowingly initiates a false alarm or report that is transmitted to a fire department, law enforcement agency or other organization that deals with emergencies involving danger to life or property.

(2) Initiating a false report is a Class A misdemeanor.

(3)(a) The court shall include in the sentence of any person convicted under this section a requirement that the person repay the costs incurred in responding to and investigating the false report.

(b) If the response to the false report involved the deployment of a law enforcement special weapons and tactics (SWAT) team or a similar law enforcement group, the court shall impose, and may not suspend, a term of incarceration of:

(A) At least 10 days.

(B) At least 30 days if the deployment resulted in death or serious physical injury to another person. [1971 c.743 §212; 2013 c.490 §1; 2015 c.751 §2; 2018 c.120 §9]

Pennsylvania

§ 8154. Prohibited acts.

(a) Making false ambulance requests.--It shall be unlawful for any person to intentionally report a medical emergency and summon an EMS response if the person does not have good cause to believe that there is a medical emergency for which an EMS response is needed. A person violating this subsection commits a summary offense.

(b) Obstruction.--It is unlawful for any person to intentionally impede or obstruct any EMS provider in the performance of official duties if the EMS provider displays accepted department insignia or credentials. A person violating this subsection commits a summary offense.

(c) Impersonating an emergency medical services provider.--It is unlawful for any person to display an insignia or credentials or act in any manner that would lead reasonable persons to conclude that the person is an EMS provider if that person is not an EMS provider with a current registration to practice or that the person is a higher-level EMS provider than the level at which the person is certified and currently registered to practice. A person violating this subsection commits a summary offense.

(d) Misrepresentation of license.--It is unlawful for any person who does not possess an EMS agency license issued by the department under this chapter to advertise, display vehicle markings or exhibit any other means that would lead a reasonable person to conclude that the person is a licensed EMS agency or provides a type or level of emergency care other than that for which the person is licensed to provide. A person violating this subsection commits a summary offense.

Rhode Island

§ 46-22-9.6. False distress or hoax calls.

(a) Whoever, knowing it to be false, transmits or causes to be transmitted by radio, telephone, use of emergency flares or other means of communication, the alleged occurrence or impending occurrence of an emergency situation which threatens the life, or safety of a person and/or the loss of property, to any state, federal or local law enforcement or other public safety agency shall be guilty of transmitting a false distress or hoax call.

(b) Any person charged with the commission of the foregoing shall, upon conviction, be subject to imprisonment not to exceed one year and a fine not to exceed one thousand dollars (\$1,000). In addition to any other fines or penalties imposed under this section, the person or persons convicted shall pay restitution for any cost related to the emergency response to the false or hoax call.

History of Section.

P.L. 2001, ch. 32, § 1; P.L. 2001, ch. 33, § 1.

§ 39-21.1-16. Providing false information.

No person shall call or otherwise cause the number nine-one-one (911) to be called for the purpose of knowingly making a false alarm or complaint or reporting false information that could result in the dispatch of emergency services from any public agency as defined in § 39-21.1-3(7). Any person violating the provisions of this section, upon conviction, shall be guilty of a misdemeanor punishable by a fine of not more than one thousand dollars (\$1,000) or imprisonment for a term not exceeding one year, or both.

History of Section.

P.L. 1988, ch. 90, § 1; P.L. 2020, ch. 79, art. 1, § 13.

§ 11-44-21. Vandalizing alarms or call boxes — False alarms.

Whoever opens a signal box connected with a police, fire, or motorist aid call system for the purpose of giving or causing to be given a false alarm, or interferes in any way with a signal box by breaking, cutting, injuring, or defacing it; or, without authority, opens, tampers, or meddles with a signal box, or with any part or parts of it, or with the police signal wires, or with anything connected with it, or, with that purpose, willfully or knowingly tampers or meddles with a signal box connected with a fire signal system or with any part or thing connected with it, or, with that purpose, willfully or knowingly tampers or meddles with a motorist aid call box, or by any means gives or aids or abets in the giving of a false alarm of fire or emergency or falsely summons an ambulance or rescue apparatus, shall be subject to punishment by imprisonment for up to one year, or fined not more than five hundred dollars (\$500), or both. Upon conviction for any offense referred to in this section, the court shall, in addition to imposing a fine and/or imprisonment, order the offender to make restitution to the appropriate state, city, or town authority or agency for any expenditures necessitated by the commission of the offense.

History of Section.

G.L. 1896, ch. 278, § 6; G.L. 1909, ch. 344, § 7; G.L. 1923, ch. 396, § 7; P.L. 1928, ch. 1155, § 1; G.L. 1938, ch. 607, § 7; P.L. 1941, ch. 1009, § 1; P.L. 1942, ch. 1238, § 1; P.L. 1952, ch. 2881, § 1; G.L. 1956, § 11-44-21; P. L. 1971, ch. 211, § 1; P.L. 1981, ch. 153, §§ 1, 2.

South Carolina

Does not meet inclusion criterion

South Dakota

22-11-9. False reporting to authorities--Misdemeanor.

Any person who:

- (1) Except as provided in § 22-11-9.2, knowingly causes a false fire or other emergency alarm to be transmitted to, or within, any fire department, ambulance service, or other government agency which deals with emergencies involving danger to life or property;
- (2) Makes a report or intentionally causes the transmission of a report to law enforcement authorities of a crime or other incident within their official concern, knowing that it did not occur; or
- (3) Makes a report or intentionally causes the transmission of a report to law enforcement authorities which furnishes information relating to an offense or other incident within their official concern, knowing that such information is false; is guilty of false reporting to authorities. False reporting to authorities is a Class 1 misdemeanor.

Source: SL 1975, ch 171, §§ 1, 2; SDCL Supp, § 22-13-16; SL 1976, ch 158, § 11-23; SL 2005, ch 120, § 201.

Tennessee

39-16-502. False reports.

(a) It is unlawful for any person to:

- (1) Initiate a report or statement to a law enforcement officer concerning an offense or incident within the officer's concern knowing that:
 - (A) The offense or incident reported did not occur;
 - (B) The person has no information relating to the offense or incident reported; or
 - (C) The information relating to the offense reported is false; or
- (2) Make a report or statement in response to a legitimate inquiry by a law enforcement officer concerning a material fact about an offense or incident within the officer's concern, knowing that the report or statement is false and with the intent to obstruct or hinder the officer from:
 - (A) Preventing the offense or incident from occurring or continuing to occur; or

(B) Apprehending or locating another person suspected of committing an offense; or
 (3) Intentionally initiate or circulate a report of a past, present, or impending bombing, active shooter, hostage situation, fire, or other emergency, knowing that the report is false or baseless and knowing:
 (A) It will cause action of any sort by an official or volunteer agency organized to deal with those emergencies, including, but not limited to, action by a special weapons and tactics team or other division of law enforcement designed to deal with high-risk situations;
 (B) It will place a person in fear of imminent serious bodily injury; or
 (C) It will prevent or interrupt the occupation of:
 (i) Any building, place of assembly, form of conveyance, or any other place to which the public has access; or
 (ii) A private residence or residential building.
 (b)
 (1) A violation of subdivision (a)(1) or (a)(2) is a Class D felony.
 (2) A violation of subdivision (a)(3) is a Class C felony.
 History
 Acts 1989, ch. 591, § 1; 1990, ch. 1030, § 28; 1998, ch. 690, § 1; 2000, ch. 976, § 1; 2002, ch. 849, § 6; 2024, ch. 794, § 1.

Texas

Sec. 42.06. FALSE ALARM OR REPORT. (a) A person commits an offense if he knowingly initiates, communicates or circulates a report of a present, past, or future bombing, fire, offense, or other emergency that he knows is false or baseless and that would ordinarily:
 (1) cause action by an official or volunteer agency organized to deal with emergencies;
 (2) place a person in fear of imminent serious bodily injury; or
 (3) prevent or interrupt the occupation of a building, room, place of assembly, place to which the public has access, or aircraft, automobile, or other mode of conveyance.
 (b) An offense under this section is a Class A misdemeanor unless the false report is of an emergency involving a public or private institution of higher education or involving a public primary or secondary school, public communications, public transportation, public water, gas, or power supply or other public service, in which event the offense is a state jail felony.
 Acts 1973, 63rd Leg., p. 883, ch. 399, Sec. 1, eff. Jan. 1, 1974. Amended by Acts 1979, 66th Leg., p. 1114, ch. 530, Sec. 4, eff. Aug. 27, 1979; Acts 1993, 73rd Leg., ch. 900, Sec. 1.01, eff. Sept. 1, 1994.
 Amended by:
 Acts 2013, 83rd Leg., R.S., Ch. 910 (H.B. 1284), Sec. 2, eff. June 14, 2013.

Sec. 42.0601. FALSE REPORT TO INDUCE EMERGENCY RESPONSE.

(a) A person commits an offense if:
 (1) the person makes a report of a criminal offense or an emergency or causes a report of a criminal offense or an emergency to be made to a peace officer, law enforcement agency, 9-1-1 service as defined by Section 771.001, Health and Safety Code, official or volunteer agency organized to deal with emergencies, or any other governmental employee or contractor who is authorized to receive reports of a criminal offense or emergency;
 (2) the person knows that the report is false;
 (3) the report causes an emergency response from a law enforcement agency or other emergency responder; and
 (4) in making the report or causing the report to be made, the person is reckless with regard to whether the emergency response by a law enforcement agency or other emergency responder may directly result in bodily injury to another person.
 (b) An offense under this section is a Class A misdemeanor, except that the offense is:
 (1) a state jail felony if it is shown on the trial of the offense that the defendant has previously been convicted two or more times of an offense under this section; or
 (2) a felony of the third degree if:
 (A) the false report was of a criminal offense to which a law enforcement agency or other emergency responder responded; and

- (B) a person suffered serious bodily injury or death as a direct result of lawful conduct arising out of that response.
- (c) If conduct constituting an offense under this section also constitutes an offense under another section of this code, the actor may be prosecuted under either section or both sections.
- (d) This section may not be construed in any manner to conflict with 47 U.S.C. Section 230 or 42 U.S.C. Section 1983.

Utah

76-9-105. Making a false alarm.

- (1)
 - (a) As used in this section, "weapon of mass destruction" means the same as that term is defined in Section 76-15-301.
 - (b) Terms defined in Section 76-1-101.5 apply to this section.
 - (2) An actor commits making a false alarm if the actor:
 - (a) initiates or circulates a report or warning of a fire, impending bombing, or other crime or catastrophe; and
 - (b) knows that that the report or warning described in Subsection (2)(a) is:
 - (i) false or baseless;
 - (ii) is likely to cause the evacuation of a building, place of assembly, or facility of public transport; and
 - (iii) likely to cause public inconvenience or alarm or action of any sort by an official or volunteer agency organized to deal with emergencies.
 - (3)
 - (a) Except as provided in Subsection (3)(b) or (c), a violation of Subsection (2) is a class B misdemeanor.
 - (b) Except as provided in Subsection (3)(c), a violation of Subsection (2) is a third degree felony if:
 - (i) the actor makes a false alarm alleging an ongoing act or event, or an imminent threat; and
 - (ii) the false alarm causes or threatens to cause bodily harm, serious bodily injury, or death to another individual.
 - (c) A violation of Subsection (2) is a second degree felony if the false alarm is regarding a weapon of mass destruction.
 - (4) In addition to any other penalty authorized by law, a court shall order an actor convicted of a felony violation of this section to reimburse any federal, state, or local unit of government, or any private business, organization, individual, or entity for all expenses and losses incurred in responding to the violation, unless the court states on the record the reasons why the court finds the reimbursement would be inappropriate.
- Effective 5/7/2025

76-9-105.5. Emergency reporting abuse.

- (1)
 - (a) As used in this section:
 - (i) "Emergency" means a situation in which property or human life is in jeopardy and the prompt summoning of aid is essential to the preservation of human life or property.
 - (ii) "Party line" means a subscriber's line or telephone circuit:
 - (A) that consists of two or more connected main telephone stations; and
 - (B) where each telephone station has a distinctive ring or telephone number.
 - (iii) "Weapon of mass destruction" means the same as that term is defined in Section 76-15-301.
 - (b) Terms defined in Sections 76-1-101.5 apply to this section.
- (2) An actor commits emergency reporting abuse if the actor:
 - (a) reports an emergency or causes an emergency to be reported, through any means, to a public, private, or volunteer entity whose purpose is to respond to fire, police, or medical emergencies, when the actor knows the reported emergency does not exist;
 - (b) makes a false report, or intentionally aids, abets, or causes another person to make a false report, through any means to an emergency response service, including a law enforcement dispatcher or a 911 emergency response service, if the false report claims that:

- (i) an emergency exists or will exist;
 - (ii) the emergency described in Subsection (2)(b)(i) involves an imminent or future threat of serious bodily injury, serious physical injury, or death; and
 - (iii) the emergency described in Subsection (2)(b)(i) is occurring, or will occur, at a specified location;
- or
- (c) makes a false report after having previously made a false report, or intentionally aides, abets, or causes a third party to make a false report, to an emergency response service, including a law enforcement dispatcher or a 911 emergency response service, alleging a violation of Section 63G-31-302 regarding a sex-designated changing room.
- (3)
- (a) Except as provided in Subsection (3)(b), a violation of Subsection (2)(a) is a class B misdemeanor.
 - (b) A violation of Subsection (2)(a) is a second degree felony if the report is regarding a weapon of mass destruction.
 - (c) A violation of Subsection (2)(b) is a second degree felony.
 - (d) A violation of Subsection (2)(c) is a class B misdemeanor.
- (4)
- (a) In addition to another penalty authorized by law, a court shall order an actor convicted of a violation of this section to reimburse a federal, state, or local unit of government, or a private business, organization, individual, or entity for all expenses and losses incurred in responding to the violation.
 - (b) The court may order that the actor pay less than the full amount of the costs described in Subsection (4)(a) only if the court states on the record the reasons why the reimbursement would be inappropriate.
- Effective 5/7/2025

Vermont

§ 1751. False alarms to agencies of public safety

- (a) A person who willfully or knowingly gives, or aids or abets in giving, by any means any false alarm of fire or other emergency to be transmitted to or within any organization, official or volunteer, for dealing with emergencies involving danger to life or property shall be imprisoned for not more than one year or fined not more than \$1,000.00, or both.
- (b) If bodily injury or death is sustained by any person as a result of a violation of this section, the person convicted of the violation in lieu of any penalty imposed by subsection (a) of this section shall be imprisoned for not more than five years or fined not more than \$2,000.00, or both; however, this subsection shall not prevent the imposition of a greater fine or sentence against any person who is convicted of any degree of homicide, including manslaughter. (Added 1971, No. 169 (Adj. Sess.), § 1.)

§ 1753. False public alarms

- (a) A person who initiates or willfully circulates or transmits a report or warning of an impending bombing or other offense or catastrophe, knowing that the report or warning is false or baseless and that it is likely to cause evacuation of a building, place of assembly, or facility of public transport, or to cause public inconvenience or alarm, shall, for the first offense, be imprisoned for not more than two years or fined not more than \$5,000.00, or both. For the second or subsequent offense, the person shall be imprisoned for not more than five years or fined not more than \$10,000.00, or both. In addition, the court may order the person to perform community service. Any community service ordered under this section shall be supervised by the Department of Corrections.
- (b) [Repealed.] (Added 1971, No. 169 (Adj. Sess.), § 3; amended 1997, No. 153 (Adj. Sess.), § 3; 1999, No. 113 (Adj. Sess.), § 20; 1999, No. 124 (Adj. Sess.), § 4; 2015, No. 147 (Adj. Sess.), § 11, eff. May 31, 2016.)

Virginia

§ 18.2-212. Calling or summoning emergency medical services vehicle or firefighting apparatus without just cause; maliciously activating fire alarms; venue.

A. Any person who without just cause therefor calls or summons, by telephone or otherwise, any emergency medical services vehicle or firefighting apparatus, or any person who maliciously activates a manual or automatic fire alarm in any building, regardless of whether an emergency medical services vehicle or fire apparatus responds or not, is guilty of a Class 1 misdemeanor.

B. A violation of this section may be prosecuted either in the jurisdiction from which the call or summons was made or in the jurisdiction where the call or summons was received.

Code 1950, § 18.1-412; 1960, c. 358; 1975, cc. 14, 15; 1976, c. 75; 1982, c. 502; 2015, cc. 502, 503; 2017, cc. 98, 519.

§ 18.2-461. Falsely summoning or giving false reports to law-enforcement officials.

It shall be unlawful for any person

(i) to knowingly give a false report as to the commission of any crime to any law-enforcement official with intent to mislead;

(ii) to knowingly, with the intent to mislead a law-enforcement agency, cause another to give a false report to any law-enforcement official by publicly simulating a violation of Chapter 4 (§ 18.2-30 et seq.) or Chapter 5 (§ 18.2-77 et seq.); or

(iii) without just cause and with intent to interfere with the operations of any law-enforcement official, to call or summon any law-enforcement official by telephone or other means, including engagement or activation of an automatic emergency alarm.

Violation of the provisions of this section shall be punishable as a Class 1 misdemeanor. However, if a person intentionally gives a false report as to the commission of any crime to any law-enforcement official, causes another to give a false report to any law-enforcement official, or calls or summons any law-enforcement official against another person because of his race, religious conviction, gender, disability, gender identity, sexual orientation, color, or national origin, the person is guilty of a Class 6 felony.

Code 1950, § 18.1-401; 1960, c. 358; 1975, cc. 14, 15; 1996, cc. 753, 815; 2019, cc. 471, 4981; 2020, Sp. Sess. I, c. 22.

§ 18.2-461.1. False emergency communication to emergency personnel; penalties.

A. As used in this section:

"Emergency communication" means a communication of any type to report a fire or to summon a firefighter, as defined in § 65.2-107, law-enforcement officer, as defined in § 9.1-101, or emergency medical services personnel, as defined in § 32.1-111.1, in a situation where human life, health, or property is reported to be in jeopardy and the prompt summoning of aid is essential.

"Emergency personnel" means the same as that term is defined in § 18.2-426.

"Emergency response" means a response by a firefighter, law-enforcement officer, or emergency medical services personnel to a situation where human life, health, or property is in jeopardy and the prompt provision of aid is essential to protect human life, health, or property.

B. Any person who knowingly reports, or causes another to report in reliance on intentionally false information provided by such person, a false emergency communication to any emergency personnel that results in an emergency response is guilty of a Class 1 misdemeanor.

C. Any person who knowingly reports, or causes another to report in reliance on intentionally false information provided by such person, a false emergency communication to any emergency personnel that results in an emergency response and any person suffers serious bodily injury, as defined in § 18.2-51.4, as a direct and proximate result of the false emergency communication to emergency personnel is guilty of a Class 6 felony.

D. Any person who reports, or causes another to report in reliance on intentionally false information provided by such person, a false emergency communication to any emergency personnel that results in an emergency response and any person is killed as a direct and proximate result of the false emergency communication to personnel is guilty of a Class 5 felony.

E. Any person violating this section may be prosecuted in the county or city where the emergency communication was made, in the county or city where the emergency communication was received, or in the county or city where the emergency response occurred.

F. A violation of this section shall constitute a separate and distinct offense. The provisions of this section shall not preclude prosecution under any other statute.

2023, cc. 22, 23.

§ 18.2-83. Threats to bomb, damage, or discharge a firearm within or at buildings or means of transportation; false information as to danger to such buildings, etc.; punishment; venue.

A. Any person (i) who makes and communicates to another by any means any threat to bomb, burn, destroy, discharge a firearm within or at, or in any manner damage any place of assembly, building or other structure, or means of transportation or (ii) who communicates to another, by any means, information, knowing the same to be false, as to the existence of any peril of bombing, burning, destruction, discharging of a firearm within or at, or damage to any such place of assembly, building or other structure, or means of transportation is guilty of a Class 5 felony, provided, however, that if such person is under 18 years of age, he is guilty of a Class 1 misdemeanor.

B. A violation of this section may be prosecuted either in the jurisdiction from which the communication was made or in the jurisdiction where the communication was received.

Code 1950, §§ 18.1-78.1 through 18.2-78.4; 1960, c. 358; 1975, cc. 14, 15; 1982, c. 502; 2020, c. 1002; 2022, c. 336; 2025, c. 368.

Washington

RCW 9A.84.040 False reporting.

(1) A person commits false reporting if, with knowledge that the information reported, conveyed, or circulated is false, he or she initiates or circulates a false report or warning of an alleged occurrence or impending occurrence knowing that such false report is likely to cause: Evacuation of a building, place of assembly, or transportation facility; public inconvenience or alarm; or an emergency response.

(2)(a) A person is guilty of false reporting in the first degree if the report was made with reckless disregard for the safety of others, the false reporting caused an emergency response, and death is sustained by any person as a proximate result of an emergency response. False reporting in the first degree is a class B felony.

(b) A person is guilty of false reporting in the second degree if the report was made with reckless disregard for the safety of others, the false reporting caused an emergency response, and substantial bodily harm is sustained by any person as a proximate result of an emergency response. False reporting in the second degree is a class C felony.

(c) A person is guilty of false reporting in the third degree if he or she commits false reporting under circumstances not constituting false reporting in the first or second degree. False reporting in the third degree is a gross misdemeanor.

(3) Any criminal offense committed under this section may be deemed to have been committed either at the place from which the false report was made, at the place where the false report was received by law enforcement, or at the place where an evacuation, public inconvenience or alarm, or emergency response occurred.

(4) Where a case is legally sufficient to charge a person under the age of eighteen with the crime of false reporting and the alleged offense is the offender's first violation of this section, the prosecutor may divert the case.

(5) For the purposes of this section, "emergency response" means any action to protect life, health, or property by:

(a) A peace officer or law enforcement agency of the United States, the state, or a political subdivision of the state; or

(b) An agency of the United States, the state, or a political subdivision of the state, or a private not-for-profit organization that provides fire, rescue, or emergency medical services.

(6) Nothing in this section will be construed to: (a) Impose liability on a person who contacts law enforcement for the purpose of, or in connection with, the reporting of unlawful conduct; (b) conflict with Title 47 U.S.C. Sec. 230 of the communication decency act; or (c) conflict with Title 42 U.S.C. Sec. 1983 of the civil rights act.

[2020 c 344 s 2; 2011 c 336 s 411; 1975 1st ex.s. c 260 s 9A.84.040.]

NOTES:

Finding—2020 c 344: "The legislature recognizes that false reporting laws criminalize the knowingly false reporting of certain occurrences that are likely to cause unwarranted evacuations, public inconvenience, or alarm. Recently, however, false reporting and the 911 system have been weaponized, resulting in serious

dangers and even lost lives. The term "swatting" describes the false reporting of an emergency with the goal of having a police unit or special weapons and tactics team deployed. The reckless act of swatting, often motivated by the perpetrator's bias towards protected classes, has caused death and trauma in some cases. As such, the legislature finds that a gross misdemeanor is insufficient as a legal response and hereby create[s] felony false reporting punishments when the false reporting leads to injury or death." [2020 c 344 s 1.]

West Virginia

§61-6-20. Falsely reporting an emergency incident.

- (a) A person is guilty of reporting a false emergency incident when knowing the information reported, conveyed, or circulated is false or baseless, he or she:
- (1) Initiates or circulates a false report or warning of or impending occurrence of a fire, explosion, crime, catastrophe, accident, illness, or other emergency under circumstances in which it is likely that public alarm or inconvenience will result or that firefighting apparatus, ambulance apparatus, one or more rescue vehicles or other emergency apparatus might be summoned; or
 - (2) Reports, by word or action, to any official or quasi-official agency or organization having the function of dealing with emergencies involving danger to life or property, an alleged occurrence or impending occurrence of a fire, explosion, crime, catastrophe, accident, illness, or other emergency in which it is likely that public alarm or inconvenience will result or that firefighting apparatus, ambulance apparatus, one or more rescue vehicles or other emergency apparatus might be summoned, which did not occur, does not in fact exist; or
 - (3) Reports to a law-enforcement officer or agency the alleged occurrence of any offense or incident which did not in fact occur, or an allegedly impending occurrence of an offense or incident which is not in fact about to occur, or false information relating to an actual offense or incident or to the alleged implication of some person; or
 - (4) Without just cause, calls or summons by telephone, fire alarm system, or otherwise, any firefighting apparatus, ambulance apparatus, rescue vehicles, or other emergency vehicles.
- (b) Any person who violates the provisions of subsection (a) of this section is guilty of a misdemeanor, and, upon conviction thereof, shall be fined not more than \$500 or confined in jail not more than six months, or both fined and confined.
- (c) Notwithstanding the provisions of subsection (a) of this section, any person convicted of a second or subsequent violation of the provisions of this section or, of a violation of this section which results in bodily injury to another person is guilty of a felony and, upon conviction thereof, shall be fined not less than \$5,000 nor more than \$10,000, or imprisoned in a state correctional facility for a term of not less than one year nor more than five years, or both fined and imprisoned.
- (d) Prior to the sentencing of a person who has been convicted of a violation of this section, the court may enter an order directing any law enforcement agency or emergency service provider involved in the emergency response that wishes to be reimbursed for the costs incurred by the agency or provider during the emergency response, to file with the court within a specified time an itemized statement of those costs. The court may then order the offender to reimburse the agency for all or a portion of those costs.
- (e) This section does not apply to any person conducting an authorized emergency drill.

Wisconsin

947.014 Swatting.

- (1) In this section:
- (a) "Authorized emergency vehicle" has the meaning given in s. 340.01 (3).
 - (b) "Emergency" means any of the following:
 1. A condition that results in or could result in the response of a law enforcement officer, tribal law enforcement officer, state-certified commission warden, fire fighter, emergency medical responder, or emergency medical services practitioner in an authorized emergency vehicle, aircraft, or vessel.

2. A condition that jeopardizes or could jeopardize public safety and results in or could result in the evacuation of any area, building, structure, or vehicle.
- (c) "Emergency medical responder" has the meaning given in s. 256.01 (4p).
- (d) "Emergency medical services practitioner" has the meaning given in s. 256.01 (5).
- (e) "Fire fighter" has the meaning given in s. 102.475 (8) (b).
- (f) "Law enforcement agency" has the meaning given in s. 165.77 (1) (b).
- (g) "Law enforcement officer" has the meaning given in s. 165.85 (2) (c).
- (h) "Specialized tactical team" means a special weapons and tactics team or a tactical response team that is designated by a law enforcement agency and whose members are recruited, selected, trained, equipped, and assigned to resolve critical incidents that involve a threat to public safety.
- (i) "Tribal law enforcement officer" has the meaning given in s. 165.92 (1) (b).
- (2) Whoever, knowing the information is false, intentionally conveys, or causes to be conveyed, any false information that an emergency exists is guilty of a Class I felony if the information elicits, or could elicit, a response from a specialized tactical team.
- (3) Whoever violates sub. (2) is guilty of a Class H felony if the violation resulted in bodily harm to any person or a Class E felony if the violation resulted in great bodily harm to any person.
- History: 2019 a. 132.

Wyoming

§ 6-5-210. False reporting to authorities; penalties.

- (a) A person who knowingly reports falsely to a 911 emergency reporting system, law enforcement agency or a fire department that:
- (i) A crime has been committed is guilty of a misdemeanor punishable by imprisonment for not more than six (6) months, a fine of not more than seven hundred fifty dollars (\$750.00), or both;
- (ii) An emergency exists is guilty of a misdemeanor punishable by imprisonment for not more than one (1) year, a fine of not more than one thousand dollars (\$1,000.00), or both;
- (iii) An emergency exists, when the false report results in any person suffering serious bodily harm, is guilty of a felony punishable by imprisonment for not more than five (5) years, a fine of not more than five thousand dollars (\$5,000.00), or both;
- (iv) An emergency exists, when the false report results in the death of any person, is guilty of manslaughter punishable as provided in W.S. 6-2-105.

History

Laws 1982, ch. 75, § 3; 1983, ch. 171, § 1; 2013 ch. 81, § 1, effective July 1, 2013.

Ambiguous Statutes

Alaska Sec. 11.56.810. Terroristic threatening in the second degree.

(a) A person commits the crime of terroristic threatening in the second degree if the person makes a threat that a circumstance

(1) dangerous to human life or property exists or is about to exist with reckless disregard that the threat may

(A) place a person in reasonable fear of serious physical injury to any person by means of a dangerous instrument;

(B) cause evacuation of or initiation of an emergency protocol for a building, public place or area, business premises, or mode of public transportation;

(C) cause serious public inconvenience; or

(D) cause the public or a substantial group of people to fear serious physical injury; or

(2) exists or is about to exist that is dangerous to the proper or safe functioning of an oil or gas pipeline or supporting facility, utility, or transportation or cargo facility; in this paragraph, "oil or gas pipeline or supporting facility" and "utility" have the meanings given in AS 11.46.495.

(b) Terrorist threatening in the second degree is a class C felony.

Illinois (720 ILCS 5/29D-25)

Sec. 29D-25. Falsely making a terrorist threat.

(a) A person commits the offense of falsely making a terrorist threat when in any manner he or she knowingly makes a threat to commit or cause to be committed a terrorist act as defined in Section 29D-10(1) or otherwise knowingly creates the impression or belief that a terrorist act is about to be or has been committed, or in any manner knowingly makes a threat to commit or cause to be committed a catastrophe as defined in Section 29D-15.1 (720 ILCS 5/29D-15.1) of this Code that he or she knows is false.

(b) Sentence. Falsely making a terrorist threat is a Class 1 felony.

(c) In addition to any other sentence that may be imposed, the court shall order any person convicted of falsely making a terrorist threat, involving a threat that a bomb or explosive device has been placed in a school in which the offender knows that such bomb or explosive device was not placed in the school, to reimburse the unit of government that employs the emergency response officer or officers that were dispatched to the school for the cost of the search for a bomb or explosive device. For the purposes of this Section, "emergency response" means any incident requiring a response by a police officer, a firefighter, a State Fire Marshal employee, or an ambulance.

(Source: P.A. 96-413, eff. 8-13-09; 96-710, eff. 1-1-10; 96-1000, eff. 7-2-10.)

Iowa 712.7 False reports.

A person who, knowing the information to be false, conveys or causes to be conveyed to any person any false information concerning the placement of any incendiary or explosive device or material or other destructive substance or device in any place where persons or property would be endangered commits a class "D" felony.

[C71, 73, 75, 77, §697.6; C79, 81, §712.7]

Iowa 718.6 False reports to or communications with public safety entities.

1. Except as provided in subsection 2, a person who reports or causes to be reported false information to a fire department, a law enforcement authority, or other public safety entity, knowing that the information is false, or who reports the alleged occurrence of a criminal act, knowing the act did not occur, commits a simple misdemeanor unless the alleged criminal act reported is a serious or aggravated misdemeanor or felony, in which case the person commits a serious misdemeanor.

2. A person who reports or causes to be reported false information to a fire department, a law enforcement authority, or other public safety entity, knowing that the information is false, or who reports the alleged occurrence of a criminal act, knowing the act did not occur, commits a class "D" felony if the alleged criminal act reported is any of the following:

a. A forcible felony under section 702.11.

b. Intimidation with a dangerous weapon under section 708.6.

c. An act of terrorism under chapter 708A.

d. Unlawful possession of biological agents or diseases under chapter 708B.

e. Any offense under chapter 712.

3. If the reported false information involves a criminal act under subsection 2 and the reported false information results in serious bodily injury to or the death of another person, the person reporting the false information commits a class “C” felony. For purposes of this subsection, a person causes serious bodily injury or death when the report of false information contributes to the other person’s serious bodily injury or death.

4. Except as provided in subsection 2, a person who telephones an emergency 911 communications center, knowing that the person is not reporting an emergency or otherwise needing emergency information or assistance, commits a simple misdemeanor.

5. Except as provided in subsection 2, a person who knowingly provides false information to a law enforcement officer who enters the information on a citation commits a simple misdemeanor unless the criminal act for which the citation is issued is a serious or aggravated misdemeanor or felony, in which case the person commits a serious misdemeanor.

[R60, §1768; C73, §1566; C97, §2468; S13, §2468; C24, 27, 31, 35, 39, §13110, 13111; C46, 50, 54, 58, 62, 66, §714.31, 714.32; C71, 73, 75, 77, §714.31, 714.32, 714.42; C79, 81, §718.6]

508.075 Terroristic threatening in the first degree.

(1) A person is guilty of terroristic threatening in the first degree when he or she:

(a) Intentionally makes false statements that he or she or another person has placed a weapon of mass destruction on:

1. The real property or any building of any public or private elementary or secondary school, vocational school, or institution of postsecondary education;

2. A school bus or other vehicle owned, operated, or leased by a school;

3. The real property or any building public or private that is the site of an official school-sanctioned function;

4. The real property or any building owned or leased by a government agency;

5. The real property or any building owned or leased by a domestic violence shelter as defined in KRS 511.085;

6. Any workplace; or

7. The real property or any building public or private that is the site of any gathering of three (3) or more persons; or

(b) Intentionally and without lawful authority, places a counterfeit weapon of mass destruction at any location or on any object specified in paragraph (a) of this subsection.

(2) A counterfeit weapon of mass destruction is placed with lawful authority if it is placed, with the written permission of the chief officer of the school or other institution, as a part of an official training exercise and is placed by a public servant, as defined in KRS 522.010.

(3) A person is not guilty of commission of an offense under this section if he or she, innocently and believing the information to be true, communicates a threat made by another person to school personnel, domestic violence shelter personnel, a peace officer, a law enforcement agency, a public agency involved in emergency response, or a public safety answering point and identifies the person from whom the threat was communicated, if known.

(4) Terroristic threatening in the first degree is a Class C felony.

Effective: July 15, 2024

History: Amended 2024 Ky. Acts ch. 174, sec. 34, effective July 15, 2024. -- Amended 2022 Ky. Acts ch. 163, sec. 1, effective July 14, 2022. -- Created 2001 Ky. Acts ch. 113, sec. 1, effective June 21, 2001.

508.078 Terroristic threatening in the second degree.

(1) A person is guilty of terroristic threatening in the second degree when, other than as provided in KRS 508.075, he or she intentionally:

(a) With respect to any scheduled, publicly advertised event open to the public,

any place of worship, any school function, any workplace, or any gathering of three (3) or more persons, threatens to commit by any means, including by use of a firearm, any act likely to result in death or serious physical injury to any person. A threat directed at a person or persons at a scheduled, publicly advertised event open to the public, place of worship, school, workplace, or gathering of three (3) or more persons does not need to identify a specific person or persons or school in order for a violation of this section to occur;

(b) Makes false statements by any means, including by electronic communication, indicating that an act likely to result in death or serious physical injury is occurring or will occur for the purpose of:

1. Causing evacuation of a school building, school property, or school sanctioned activity;
2. Causing cancellation of school classes or school-sanctioned activity; or
3. Creating fear of death or serious physical injury among students, parents, or school personnel;

(c) Makes false statements that he or she has placed a weapon of mass destruction at any location other than one specified in KRS 508.075; or

(d) Without lawful authority places a counterfeit weapon of mass destruction at any location other than one specified in KRS 508.075.

(2) A counterfeit weapon of mass destruction is placed with lawful authority if it is placed as part of an official training exercise by a public servant, as defined in KRS 522.010.

(3) A person is not guilty of commission of an offense under this section if he or she, innocently and believing the information to be true, communicates a threat made by another person to school personnel, a peace officer, a law enforcement agency, a public agency involved in emergency response, or a public safety answering point and identifies the person from whom the threat was communicated, if known.

(4) Except as provided in subsection (5) of this section, terroristic threatening in the second degree is a Class D felony.

(5) Terroristic threatening in the second degree is a Class C felony when, in addition to violating subsection (1) of this section, the person intentionally engages in substantial conduct required to prepare for or carry out the threatened act, including but not limited to gathering weapons, ammunition, body armor, vehicles, or materials required to manufacture a weapon of mass destruction.

Effective: July 15, 2024

History: Amended 2024 Ky. Acts ch. 174, sec. 35, effective July 15, 2024. -- Amended 2020 Ky. Acts ch. 5, sec. 12, effective February 21, 2020. -- Amended 2019 Ky. Acts ch. 5, sec. 20, effective March 11, 2019.; and ch. 96, sec. 1, effective June 27, 2019. -- Amended 2019 Ky. Acts ch. 96, sec. 1, effective June 27, 2019 -- Created 2001 Ky. Acts ch. 113, sec. 2, effective June 21, 2001.

Massachusetts Section 14: Deadly weapons, explosives, chemical or biological agents, or other deadly device or substance; threatened use or presence; threat to hijack; disruption of school, public building or transport; punishment; restitution

Section 14. (a) For the purposes of this section, the following words shall have the following meanings:--

"Hijack", to commandeer or to take control without authority.

"School", any public or private preschool, headstart facility, elementary, vocational or secondary school, college or university.

"Serious bodily injury", bodily injury which results in a permanent disfigurement, protracted loss or impairment of a bodily function, limb or organ, or substantial risk of death.

(b) Whoever willfully communicates or causes to be communicated, either directly or indirectly, orally, in writing, by mail, by use of a telephone or telecommunication device including, but not limited to, electronic mail, Internet communications and facsimile communications, through an electronic communication device or by any other means, a threat:--

[Subdivision (1) of subsection (b) effective until October 2, 2024. For text effective October 2, 2024, see below.]

(1) that a firearm, rifle, shotgun, machine gun or assault weapon, as defined in section 121 of chapter 140, an explosive or incendiary device, a dangerous chemical or biological agent, a poison, a harmful radioactive substance or any other device, substance or item capable of causing death, serious bodily injury or substantial property damage, will be used at a place or location, or is present or will be present at a place or location, whether or not the same is in fact used or present; or

[Subdivision (1) of subsection (b) as amended by 2024, 135, Sec. 144 effective October 2, 2024. For text effective until October 2, 2024, see above.]

(1) that a firearm, as defined in section 121 of chapter 140, an explosive or incendiary device, a dangerous chemical or biological agent, a poison, a harmful radioactive substance or any other device, substance or item capable of causing death, serious bodily injury or substantial property damage, will be used at a place or location, or is present or will be present at a place or location, whether or not the same is in fact used or present; or

(2) to hijack an aircraft, ship, or common carrier thereby causing anxiety, unrest, fear, or personal discomfort to any person or group of persons shall be punished by imprisonment in the state prison for not more than 20 years or imprisonment in the house of correction for not more than 21/2 years, or by fine of not more than \$10,000, or by both such fine and imprisonment.

(c) Whoever willfully communicates or causes to be communicated such a threat thereby causing either the evacuation or serious disruption of a school, school related event, school transportation, or a dwelling, building, place of assembly, facility or public transport, or an aircraft, ship or common carrier, or willfully communicates or causes serious public inconvenience or alarm, shall be punished by imprisonment in the state prison for not less than 3 years nor more than 20 years or imprisonment in the house of correction for not less than 6 months nor more than 21/2 years, or by fine of not less than \$1,000 nor more than \$50,000, or by both such fine and imprisonment.

(d) The court shall, after conviction, conduct a hearing to ascertain the extent of costs incurred, damages and financial loss suffered by an individual, public or private entity and the amount of property damage caused as a result of the defendant's crime. A person found guilty of violating this section shall, in all cases, in addition to any other punishment, be ordered to make restitution to the individual, public or private entity for any costs incurred, damages and financial loss sustained as a result of the commission of the crime. Restitution shall be imposed in addition to incarceration or fine, and not in lieu thereof, however, the court shall consider the defendant's present and future ability to pay in its determinations regarding a fine. In determining the amount, time and method of payment of restitution, the court shall consider the financial resources of the defendant and the burden restitution will impose on the defendant.

(e) Nothing in this section shall authorize the criminal prosecution of picketing, public demonstrations or other similar forms of expressing views.

Michigan 750.499 False active shooter alarm; violation as misdemeanor.

Sec. 499.

(1) A person who knowingly and willfully raises a false active shooter alarm in a public place, including, but not limited to, a school, is guilty of a misdemeanor punishable by imprisonment for not more than 1 year and a fine of not more than \$1,000.00.

(2) As used in this section, "active shooter alarm" means an alarm system that is designed to alert individuals inside that place that there is an active shooter on or near the premises, including an alarm system that when activated locks doors, informs local law enforcement of the active shooter, flashes a blue light, or broadcasts a message inside the place indicating the presence of an active shooter.

Mississippi § 97-35-45. False alarm of fire.

It shall be unlawful for any person to report a fire to another by any means, knowing that such report is false. Any violation of this section shall be punishable by imprisonment in the county jail not to exceed one (1) year or by fine not to exceed five hundred dollars (\$500.00), or both.

Missouri 574.115. Making a terrorist threat, first degree — penalty.

1. A person commits the offense of making a terrorist threat in the first degree if such person, with the purpose of frightening ten or more people or causing the evacuation, quarantine or closure of any portion of a building, inhabitable structure, place of assembly or facility of transportation, knowingly:

(1) Communicates an express or implied threat to cause an incident or condition involving danger to life; or

- (2) Communicates a false report of an incident or condition involving danger to life; or
 - (3) Causes a false belief or fear that an incident has occurred or that a condition exists involving danger to life.
2. The offense of making a terrorist threat in the first degree is a class D felony.
3. No offense is committed under this section by a person acting in good faith with the purpose to prevent harm.
- (L. 2000 S.B. 944 § 574.150, A.L. 2002 S.B. 712, A.L. 2014 S.B. 491) Effective 1-01-17

575.090. False bomb report — penalty.

- 1. A person commits the offense of making a false bomb report if he or she knowingly makes a false report or causes a false report to be made to any person that a bomb or other explosive has been placed in any public or private place or vehicle.
 - 2. Making a false bomb report is a class E felony.
- (L. 1977 S.B. 60, A.L. 1996 H.B. 1301 & 1298, A.L. 2014 S.B. 491) Effective 1-01-17

Montana 45-5-203. Intimidation.

- (1) A person commits the offense of intimidation when, with the purpose to cause another to perform or to omit the performance of any act, the person communicates to another, under circumstances that reasonably tend to produce a fear that it will be carried out, a threat to perform without lawful authority any of the following acts:
 - (a) inflict physical harm on the person threatened or any other person;
 - (b) subject any person to physical confinement or restraint; or
 - (c) commit any felony.
 - (2) A person commits the offense of intimidation if the person knowingly communicates a threat or false report of a pending fire, explosion, or disaster that would endanger life or property.
 - (3) A person convicted of the offense of intimidation shall be imprisoned in the state prison for any term not to exceed 10 years or be fined an amount not to exceed \$50,000, or both.
- History: En. 94-5-203 by Sec. 1, Ch. 513, L. 1973; R.C.M. 1947, 94-5-203; amd. Sec. 7, Ch. 198, L. 1981; amd. Sec. 1, Ch. 268, L. 1985; amd. Sec. 1654, Ch. 56, L. 2009.

New Mexico 30-39-1. False report; penalty.

It is unlawful for any person to intentionally make a report to a law enforcement agency or official, which report he knows to be false at the time of making it, alleging a violation by another person of the provisions of the Criminal Code [30-1-1 NMSA 1978]. Any person violating the provisions of this section is guilty of a misdemeanor.

History: Laws 1979, ch. 145, § 1.

ANNOTATIONS

Intent. — Section 30-39-1 NMSA 1978 refers to a false accusation of another. The purpose for making a false report is immaterial. The act alone is unlawful, and it is a misdemeanor offense. But when a false report is given which not only interrupts or hinders official investigation or activity, but is done with the opprobrious intention of aiding an offender to escape the criminal process, that intentional conduct rises to the magnitude of a felony. *State v. Rogers*, 1980-NMCA-059, 94 N.M. 527, 612 P.2d 1338, cert. denied, 94 N.M. 629, 614 P.2d 546.

Applicability. — By its plain language, this section applies only if a person falsely alleges a criminal violation by someone other than the person making the allegation. The statute does not apply to situations where an individual falsely assumes the responsibility for a criminal offense. *State v. Gardner*, 1991-NMCA-058, 112 N.M. 280, 814 P.2d 458, cert. denied, 112 N.M. 235, 814 P.2d 103.

North Carolina § 14-286. Giving false fire alarms; molesting fire-alarm, fire-detection or fire-extinguishing system. (a) **Offense.** — It shall be unlawful for any person or persons to wantonly and willfully give or cause to be given, or to advise, counsel, or aid and abet anyone in giving, a false alarm of fire, or to break the glass key protector, or to pull the slide, arm, or lever of any station or signal box of any fire-alarm system, except in case of fire, or willfully misuse or damage a portable fire extinguisher, or in any way to willfully interfere with, damage, deface, molest, or injure any part or portion of any fire-alarm, fire-detection, smoke-detection or fire-extinguishing system. (b) **Penalty.** — Any person who willfully interferes with, damages, defaces, molests, or injures any part or portion of a fire-alarm,

fire-detection, smoke-detection, or fire-extinguishing system in a prison or local confinement facility is guilty of a Class H felony. Any person who commits any other violation of this section is guilty of a Class 2 misdemeanor. For purposes of this subsection, the term "local confinement facility" means a county or city jail, a local lockup, or a detention facility for adults operated by a local government. (1921, c. 46; C.S., s. 4426(a); 1961, c. 594; 1969, c. 1224, s. 5; 1975, c. 346; 1993, c. 539, s. 182; 1994, Ex. Sess., c. 24, s. 14(c); 2019-134, s. 1.)

North Carolina § 14-288.23. Making a false report concerning a nuclear, biological, or chemical weapon of mass destruction; punishment; restitution.

(a) Any person who, by any means of communication to any person or group of persons, makes a report, knowing or having reason to know the report is false, that causes any person to reasonably believe that there is located at any place or structure whatsoever any nuclear, biological, or chemical weapon of mass destruction is guilty of a Class D felony. (b) The court may order a person convicted under this section to pay restitution, including costs and consequential damages resulting from disruption of the normal activity that would have otherwise occurred but for the false report, pursuant to Article 81C of Chapter 15A of the General Statutes. (c) For purposes of this section, the term "report" shall include making accessible to another person by computer. (2001-470, s. 1.)

North Carolina § 14-69.1. Making a false report concerning destructive device.

(a) Except as provided in subsection (c) of this section, any person who, by any means of communication to any person or group of persons, makes a report, knowing or having reason to know the report is false, that there is located in or in sufficient proximity to cause damage to any building, house or other structure whatsoever or any vehicle, aircraft, vessel or boat any device designed to destroy or damage the building, house or structure or vehicle, aircraft, vessel or boat by explosion, blasting or burning, is guilty of a Class H felony. (b) (c) Repealed by S.L. 1997-443, s. 19.25(cc). Any person who, by any means of communication to any person or groups of persons, makes a report, knowing or having reason to know the report is false, that there is located in or in sufficient proximity to cause damage to any public building any device designed to destroy or damage the public building by explosion, blasting, or burning, is guilty of a Class H felony. Any person who receives a second conviction for a violation of this subsection within five years of the first conviction for violation of this subsection is guilty of a Class G felony. For purposes of this subsection, "public building" means educational property as defined in G.S. 14-269.2(a)(1), a hospital as defined in G.S. 131E-76(3), a building housing only State, federal, or local government offices, or the offices of State, federal, or local government located in a building that is not exclusively occupied by the State, federal, or local government. (d) The court may order a person convicted under this section to pay restitution, including costs and consequential damages resulting from the disruption of the normal activity that would have otherwise occurred on the premises but for the false report, pursuant to Article 81C of Chapter 15A of the General Statutes. (e) For purposes of this section, the term "report" shall include making accessible to another person by computer. (1959, c. 555, s. 1; 1991, c. 648, s. 1; 1993, c. 539, ss. 32, 116; 1994, Ex. Sess., c. 24, s. 14(c); 1997-443, s. 19.25(cc); 1999-257, s. 1; 2005-311, s. 1.)

Oregon 166.023 Disorderly conduct in the first degree.

(1) A person commits the crime of disorderly conduct in the first degree if, with intent to cause public inconvenience, annoyance or alarm, or knowingly creating a risk thereof, the person initiates or circulates a report, knowing it to be false:

(a) Concerning an alleged hazardous substance or an alleged or impending fire, explosion, catastrophe or other emergency; and

(b) Stating that the hazardous substance, fire, explosion, catastrophe or other emergency is located in or upon a court facility or a public building, as those terms are defined in ORS 166.360.

(2)(a) Disorderly conduct in the first degree is a Class A misdemeanor.

(b) Notwithstanding paragraph (a) of this subsection, disorderly conduct in the first degree is a Class C felony if the defendant has at least one prior conviction for violating subsection (1) of this section. [2005 c.631 §3; 2015 c.361 §1]

Oregon 166.025 Disorderly conduct in the second degree.

(1) A person commits the crime of disorderly conduct in the second degree if, with intent to cause public inconvenience, annoyance or alarm, or recklessly creating a risk thereof, the person:

- (a) Engages in fighting or in violent, tumultuous or threatening behavior;
- (b) Makes unreasonable noise;
- (c) Disturbs any lawful assembly of persons without lawful authority;
- (d) Obstructs vehicular or pedestrian traffic on a public way;
- (e) Initiates or circulates a report, knowing it to be false, concerning an alleged or impending fire, explosion, crime, catastrophe or other emergency; or
- (f) Creates a hazardous or physically offensive condition by any act which the person is not licensed or privileged to do.

(2)(a) Disorderly conduct in the second degree is a Class B misdemeanor.

(b) Notwithstanding paragraph (a) of this subsection, disorderly conduct in the second degree is a Class A misdemeanor if the crime is committed within 200 feet of the real property on which the person knows a funeral service is being conducted.

(3) As used in this section, "funeral service" means a burial or other memorial service for a deceased person. [1971 c.743 §220; 1983 c.546 §5; 2001 c.104 §55; 2005 c.631 §1; 2012 c.35 §1]

South Carolina SECTION 16-17-725. Making false complaint to law enforcement officer; giving false information to rescue squad or fire department; misrepresenting identity to law enforcement officer during traffic stop or to avoid arrest or criminal charge.

(A) It is unlawful for a person to knowingly make a false complaint to a law enforcement officer concerning the alleged commission of a crime by another, or for a person to knowingly give false information to a rescue squad or fire department concerning the alleged occurrence of a health emergency or fire.

(B) It is unlawful for a person to misrepresent his identification to a law enforcement officer during a traffic stop or for the purpose of avoiding arrest or criminal charges.

(C) A person who violates the provisions of this section is guilty of a misdemeanor and, upon conviction, must be fined not more than two hundred dollars or imprisoned for not more than thirty days.

HISTORY: 1985 Act No. 87; 2008 Act No. 191, SECTION 1, eff April 2, 2008

South Dakota 22-11-9.2. Falsely reporting a threat--Felony--Restitution--Minor to perform public service.

Any person who makes a false report, with intent to deceive, mislead, or otherwise misinform any person, concerning the placing or planting of any bomb, dynamite, explosive, destructive device, dangerous chemical, biological agent, poison or harmful radioactive substance, is guilty of falsely reporting a threat. Falsely reporting a threat is a Class 6 felony. Any person found guilty of falsely reporting a threat shall pay restitution for any expense incurred as a result of the crime. If the person making the false report prohibited by this section is a minor, the court, in addition to such other disposition as the court may impose, shall require the minor to perform at least fifty hours of public service unless tried as an adult.

Source: SL 1970, ch 142; SL 1972, ch 140, § 18; SDCL Supp, § 22-34-26; SL 1976, ch 158, § 14A-9; SL 1989, ch 193; SL 1997, ch 128, § 1; SL 2002, ch 105, § 4; SDCL, § 22-14A-22; SL 2005, ch 120, §§ 278, 279.

South Dakota 22-11-9.1. False fire alarm causing serious bodily injury or death--Felony.

Any person who intentionally gives any false alarm of fire, by any means, is guilty of a Class 5 felony, if, as a result, any other person dies or sustains serious bodily injury.

Source: SL 1973, ch 150, § 2; SDCL Supp, § 34-35A-2; SL 1977, ch 190, § 96; SL 2005, ch 120, § 202.

West Virginia §61-6-17. False reports concerning bombs or other explosive devices; penalties.

(a) Any person who imparts or conveys or causes to be imparted or conveyed any false information, knowing or having reasonable cause to believe the information to be false, concerning the presence of any bomb or other explosive device in, at, on, near, under or against any dwelling house, structure,

improvement, building, bridge, motor vehicle, vessel, boat, railroad car, airplane or other place or concerning an attempt or alleged attempt being made or to be made to so place or explode any bomb or other explosive device is guilty of a felony and, upon conviction thereof, shall be fined not less than \$100 nor more than \$2,000 or confined in a state correctional facility for not less than one year nor more than three years, or both.

(b) If any person violates any provision of this section and the violation directly causes economic harm as defined in subsection (d) of this section, in addition to any other penalty, the circuit court may order the offender to pay the victim or victims restitution, in accordance with the provisions of article eleven-a of this chapter, for economic loss caused by the violation in an amount not to exceed the economic harm suffered. Nothing in this section may be construed to limit the circuit court's authority to order restitution pursuant to other provisions of this code.

(c) Notwithstanding any provision of this section to the contrary, any person violating the provisions of subsection (a) of this section whose violation of the subsection results in another suffering serious bodily injury is guilty of a felony and, upon conviction thereof, shall be confined in a state correctional facility for not less than one year nor more than five years or fined not more than \$10,000, or both. Each injury resulting from a violation of subsection (a) of this section constitutes a separate offense.

(d) As used in this section, "economic harm" means all direct, incidental and consequential pecuniary harm suffered by a victim as a result of criminal conduct. Economic harm includes, but is not limited to, the following:

- (1) All wages, salaries or other compensation lost as a result of the criminal conduct;
- (2) The cost of all wages, salaries or other compensation paid to employees for time those employees are prevented from working as a result of the criminal conduct;
- (3) The cost of all wages, salaries or other compensation paid to employees for time those employees spent in reacting to the results of the criminal conduct; or
- (4) The overhead costs incurred for the time that a business is shut down as a result of the criminal conduct.

West Virginia §61-6-24. Threats of terrorist acts, conveying false information concerning terrorist acts and committing terrorist hoaxes prohibited; penalties.

(a) As used in this section:

(1) "Economic harm" means all direct, incidental and consequential pecuniary harm suffered by a victim as a result of criminal conduct. Economic harm includes, but is not limited to, the following:

- (A) All wages, salaries or other compensation lost as a result of the criminal conduct;
- (B) The cost of all wages, salaries or other compensation paid to employees for time those employees are prevented from working as a result of the criminal conduct;
- (C) The cost of all wages, salaries or other compensation paid to employees for time those employees spent in reacting to the results of the criminal conduct; or
- (D) The overhead costs incurred for the time that a business is shut down as a result of the criminal conduct.

(2) "Hoax substance or device" means any substance or device that is shaped, sized, colored, marked, imprinted, numbered, labeled, packaged, distributed, priced or delivered so as to cause a reasonable person to believe that the substance or device is of a nature which is capable of causing serious bodily injury or damage to property or the environment.

(3) "Terrorist act" means an act that is:

- (A) Likely to result in serious bodily injury or damage to property or the environment; and
- (B) Intended to:

- (i) Intimidate or coerce the civilian population;
- (ii) Influence the policy of a branch or level of government by intimidation or coercion;
- (iii) Affect the conduct of a branch or level of government by intimidation or coercion; or
- (iv) Retaliate against a branch or level of government for a policy or conduct of the government.

(b) Any person who knowingly and willfully threatens to commit a terrorist act, with or without the intent to commit the act, is guilty of a felony and, upon conviction thereof, shall be fined not less than \$5,000 nor more than \$25,000 or confined in a state correctional facility for not less than one year nor more than three years, or both.

(c) Any person who knowingly and willfully conveys false information knowing the information to be false concerning an attempt or alleged attempt being made or to be made of a terrorist act is guilty of a felony

and, upon conviction thereof, shall be fined not less than \$5,000 nor more than \$25,000 or confined in a state correctional facility for not less than one year nor more than three years, or both.

(d) Any person who uses a hoax substance or device with the specific intent to commit a terrorist act is guilty of a felony and, upon conviction thereof, shall be fined not less than \$10,000 nor more than \$50,000 or confined in a state correctional facility for not less than one year nor more than five years, or both.

(e) The court shall order any person convicted of an offense under this section to pay the victim restitution in an amount not to exceed the total amount of any economic harm suffered.

(f) The court shall order any person convicted of an offense under this section to reimburse the state or any subdivision of the state for any expenses incurred by the state or the subdivision incident to its response to a violation of this section.

(g) The conviction of any person under the provisions of this section does not preclude or otherwise limit any civil proceedings arising from the same act.

Wisconsin 947.015 Bomb scares.

Whoever intentionally conveys or causes to be conveyed any threat or false information, knowing such to be false, concerning an attempt or alleged attempt being made or to be made to destroy any property by the means of explosives is guilty of a Class I felony.

History: 1977 c. 173; 2001 a. 109.

This section is not an included crime in s. 941.30, recklessly endangering safety. *State v. Van Ark*, 62 Wis. 2d 155, 215 N.W.2d 41 (1974).

Read with the requirement that only “true threats” can be prosecuted, this section does not violate the guarantee of free speech. *State v. Robert T.*, 2008 WI App 22, 307 Wis. 2d 488, 746 N.W.2d 564, 06-2206.