



Senator Andrew O. Brenner – 19th District
Senate Judiciary Committee
March 15, 2022
Senate Bill 292 – Sponsor Testimony

Chairman Manning, Vice Chair McColley, Ranking Member Thomas, and members of the Senate Judiciary Committee, thank you for allowing me to present sponsor testimony on Senate Bill 292. This legislation would explicitly prohibit the irresponsible and dangerous practice of swatting.

For those of you who may not have heard of this practice before, swatting is knowingly making a false emergency report to law enforcement with the intent of eliciting a response from police, specifically a special weapons and tactics, or SWAT, team. Originally, swatting was a kind of prank that would be played on video game streamers. In these cases, a streamer would make a live broadcast from their home over the internet while someone in another location, possibly even another state, made a false report of a hostage situation at the streamer's home. As a result, there would then be a live broadcast of a SWAT team responding with force to a location where police have every reason to believe an active, violent situation is ongoing. This creates a very dangerous and potentially deadly scenario as responding law enforcement will take the steps necessary to protect themselves when addressing such a threat.

Swatting has spread beyond video game streaming in recent years. In fact, there were two separate incidents of swatting in Delaware County, my district, within one month of each other in 2021. On June 21, Powell police received a 9-1-1 call from a man's voice that said, "I just shot and killed my mother, and I'm keeping my sister hostage." A SWAT team prepared to respond to a homicide and hostage situation, and was dispatched to the address the caller provided. The house was surrounded and neighbors were told to shelter in their homes. Police on the scene asked the caller to come out of the house. The residents of the house did so, but instead of a murderer with a hostage, it was a confused family carrying an infant who surrendered to police.

Less than a month later, Genoa Township police received a call claiming to be from a man arguing with his wife. The voice on the phone said a gun was involved, and four gunshots were heard before the call hung up. No shots had actually been fired when police arrived, and the residents had never made the call.

Fortunately, neither of the instances in Delaware County resulted in physical harm. Law enforcement are often able to defuse a situation like this peacefully. Although, this has not always been the case nationally. Swatting incidents in other states have resulted in police being shot and innocent people being killed. Several individuals, including one from Ohio, were

responsible for a swatting report that resulted in the death of a man in Wichita¹. A sixty-year-old man in Tennessee died of a heart attack when he was the victim of swatting in 2020².

The legislation before you was introduced at the request of the Attorney General and as companion legislation to House Bill 462, sponsored by Representative Kevin Miller and former Representative Rick Carfagna. This would codify a specific offense for swatting. If someone knowingly makes a false report to trigger an emergency response where none is warranted, they are guilty of a third degree felony. If the response results in serious harm to anyone involved, then it is a felony of the first degree. Beyond this, a court may order a person who is found guilty of swatting to repay law enforcement or emergency services for the cost of the response.

Senate Bill 292 will provide another tool in the toolbox for prosecutors to address this serious disregard for safety and resources. Creating a specific offense for swatting sends a clear message that this kind of action will not be tolerated. This will help keep Ohioans safer from swatting, and help keep law enforcement safer from dangerous situations. We have the right to defend our homes in Ohio, and the risk of an accident is significantly heightened when people have no reason to suspect that the man with a gun coming through the front door is a police officer. It is my hope that the passage of this legislation will curb this behavior and help to avoid these kinds of situations altogether.

Mr. Chairman, members of the committee, thank you again for this opportunity to give sponsor testimony on Senate Bill 292. I am happy to answer any questions at this time.

¹ <https://www.justice.gov/usao-ks/pr/ohio-gamer-sentenced-deadly-swatting-case>

² <https://www.nbcnews.com/news/us-news/tennessee-man-targeted-his-twitter-handle-dies-after-swatting-call-n1274747>