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Committees

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Kevin D. Miller State Representative

Chairman LaRe, Vice Chair Swearingen, Ranking Member Leland and members of the House Criminal Justice Committee, thank you for the opportunity to present sponsor testimony on House Bill 462 which would prohibit the offense of “Swatting.”

This legislation was developed by former Representative Rick Carfagna in conjunction with Attorney General Dave Yost. I was honored to join Rick as a joint sponsor and will graciously carry the bill after his departure from the General Assembly.

First of all, I’d like to begin by simply defining the term “Swatting” for those of you unfamiliar with the word. Swatting refers to intentionally making a false 911 call to get police or SWAT officers to respond to a location or incident when there is no emergency. As you can imagine, these types of pranks are extremely dangerous, not just for affected residents and their neighbors, but for law enforcement officers racing to get to the scene and into buildings or residences for the reported emergencies. These false alarms create highly charged incidents where misperception can and has in some instances lead to tragedy.

The FBI estimates approximately 400 swatting incidents occur across the country each year. These incidents have affected everyday people as well as celebrities such as Miley Cyrus, who has personally been swatted on two separate occasions. There are documented incidents across the country of officers getting shot by unsuspecting homeowners who were simply protecting themselves from who they believed were intruders kicking in their door. Likewise, there have been several innocent civilians who have lost their lives when officers fired upon them as they entered a residence. In one incident, a 60-year-old Tennessee man had a massive heart attack as a result of a swatting incident where officers swarmed his residence and held him at gunpoint.

Over the years these incidents have become popular among online gaming communities. Perpetrators can watch their pranks unfold in real time on computer webcams as officers burst into residences demanding victims to get on the ground and/or put their hands in the air. House Bill 462 aims to deter and appropriately punish those who choose to engage in this outrageous behavior.

Another significant impact of swatting is the egregious waste of law enforcement resources and taxpayer dollars. While the cost of deployment can be significant, the financial burden of settlements and litigation in cases that involve injury or death can be devastating to local budgets.

Ohio is not immune from these types of incidents. We have seen a growing trend in swatting occurrences, including two in a single month's time over the past summer in Delaware County, and one in the City of Hamilton last May. Youngstown and Medina and Belmont Counties have also been homes to swatting crimes in recent years.

In fact, in 2014 as the Post Commander of the Granville Patrol Post, I personally responded with my troopers to a swatting incident at Denison University. A caller advised he was coming to the campus with an assault weapon. We responded along with the Sheriff's office at the request of the Granville Police Department. The university and local schools were locked down as a result of the incident. To my knowledge, the caller was never located but the waste of resources and emotional toll on the entire community from the students and residents to the officers standing guard with rifles was significant.

Presently, the only applicable charges to these situations would be making false alarms, inducing panic, menacing or harassment, but they are all misdemeanor offenses. This legislation would make swatting a third-degree felony, unless the violation results in serious physical harm to any person at which time it would rise to a first-degree felony. To address the financial impacts of a swatting offense, the bill contains a provision to ensure the recovery of taxpayer expenses associated with the incident from the perpetrator.

House Bill 462 sends a strong message -... **"Swatting" will not be tolerated in Ohio.** Those who choose to put Ohioans and our first responders in harm's way for no reason, will finally face a penalty commensurate with their harmful actions.

I would like to thank the members of the Criminal Justice Committee for allowing me to give testimony and would be happy to entertain any questions you might have.

A handwritten signature in black ink, appearing to read "K D Miller". The signature is fluid and cursive, with the first letters of each word being capitalized and prominent.

Kevin D. Miller
State Representative
Ohio's 72nd House District