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House of Representatives

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John R. Whitmer
Representative, 93rd District

Vice Chair Corrections &
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Joint Committee on Special Claims
Against the State
Federal & State Affairs
Judiciary

Testimony to the House Senate Judiciary Committee
In Support of HB 2581

Chairman Wilborn and members of the Committee,

Thank you for the opportunity to testify before you today in support of HB 2581. This bill would change the crime of "giving a false alarm" to "making an unlawful request for emergency service assistance." The practice is commonly known as "Swatting".

Swatting occurs when an individual requests emergency service assistance unlawfully or under false pretenses. Making any false call to any fire, police or emergency response agency would be a misdemeanor. The false call would become a felony if the person making the call uses a false identity and/or electronically masks his or her identity. Criminal penalties escalate if a person is harmed as a result of the false call. If a person is killed, the case could be charged as a Level 2 felony, comparable to second-degree murder. Prosecutors would also have the option to prosecute swatting fatalities under the state's murder statutes.

Two instances of swatting have occurred recently in the past two months in Kansas, specifically in the cities of Overland Park and Wichita. Wichitans felt the impact of swatting last December with the tragic death of 28-year-old Andrew Finch. Similar legislation has now been proposed at the Federal level and in multiple states including Missouri and California.

This bill is about preventing horrible incidents like these from taking place, and holding individuals responsible for their actions. If a false alarm or prank call results in the serious injury or fatality of an innocent bystander, the caller must be held accountable.

Thank you again for the opportunity to testify this morning, I'd be happy to stand for questions at the appropriate time.

A handwritten signature in black ink, appearing to read "John R. Whitmer".

Rep. John Whitmer
District 93