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Testimony in SUPPORT of L.D. 405 -- An Act to Prevent False Reporting Leading to Evacuation, Shutdown or Lockdown

Dear Senate Chair Beebe-Center; House Chair Salisbury, and Members of the Criminal Justice and Public Safety Committee:

I am a recently retired attorney who has lived for 43 years in Maine, where my husband and I have raised 4 children and have 2 Maine grandchildren. I applaud the legislators who have brought forward the various gun safety bills that this Committee will be considering in this Legislative Session. The school mass shootings in other states in recent years, and the swatting public false alarms that caused the lockdown of ten schools in our State last fall, do not reflect the world any of us want for our children and grandchildren. It is up to us in Maine--gun owners and non-gun owners-- Democrats and Republicans-- to do what we can, consistent with the 2d Amendment, to protect our children from unstable and malicious hoaxers—and shooters.

I therefore support the passage of this bipartisan L.D. 405, amending 17-A M.R.S.A. §509 to extend the crime of making hoax calls to law enforcement, firefighting and emergency agencies, to such calls also made to 9-1-1 services. Many of the hoax swatting calls made in Maine last November were to the 9-1-1 centers that are not currently named in the statute. Thus, it only makes sense to add them, as L.D. 405 proposes. It also makes sense to amend L.D. 405 itself to include, as recommended by the Maine State Police in its testimony, “business communication lines” of any emergency communications center, given that some of the hoax calls last November were made to police “business” lines. L.D. 405 could be strengthened even further if it were amended to include hoax calls made directly to schools.

I would also like to comment on the testimony submitted by the Maine Association of Criminal Defense Lawyers (“MACDL”) opposing L.D. 405. MACDL objects to L.D. 405 adding a new, higher level, Crime C to Section 509’s current Class D crimes, for when the false public alarm is “aggravated” by causing “the evacuation, shutdown or lockdown” of schools or other public areas and buildings. MACDL asserts that such aggravated hoaxes “do not need to be full-blown Class C felonies,” as in the past there has been “no judge, much less really any prosecutor, who has ever indicated that the punishment that they are allowed to impose [with a Class D crime] cannot meet the crime.” However, school lockdowns caused by active-shooter swatting calls, are increasing, including in Maine, and they cause severe, widespread trauma to students, teachers, parents and medical personnel—and to law enforcement officers. (All 40 on-duty Portland police officers rushed to Portland High School when the November hoax call reported an active shooter in the school, and doctors prepared their emergency rooms to be ready to help save students who had been shot.)

It is already a Class C crime to threaten “a crime of violence dangerous to human life” when such terrorizing threat causes “evacuation” of a building. 17-A M.R.S.A. §210. It is also a Class C crime to stalk two or more people “that are members of an identifiable group” causing them emotional distress, or fear of injury or death. 17-A M.R.S.A. §210-A (1)(D). The hoax calls that would be targeted by L.D. 405 cause fear and trauma on at least the same scale and to the same extent as these existing Class C crimes, so that the upgrade in classification for hoax calls that cause lockdowns is entirely appropriate.

Thank you for your consideration of these comments in support of L.D. 405.

Peggy L. McGehee