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Eric Brumfield

Pacific McGeorge School of Law

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Chapter 284: Deterring and Paying for Prank 911 Calls That Generate a SWAT Team Response

Eric Brumfield

Code Section Affected

Penal Code § 148.3 (amended).
SB 333 (Lieu); 2013 STAT. Ch. 284.

I. INTRODUCTION

What do Russell Brand, Justin Timberlake, Rihanna, and Selena Gomez all have in common?¹ While this may sound like the opening line of a bad joke, the punch line is no laughing matter.² They have all been the victims of “swatting.”³ Swatting occurs when an individual calls 911 as a prank to falsely report an emergency situation at a home, thereby causing the police to respond with a SWAT⁴ team.⁵ No one is safe from swatting; prank 911 callers target anyone from celebrities to private citizens, and even emergency responders themselves.⁶ These prank calls are not only dangerous, but they also drain public safety resources.⁷ To date, “there have been more than 400 ‘swatting’ calls” nationwide; these calls have been mainly associated with celebrity homes.”⁸ At least sixteen swatting calls in California have been made to celebrities and public officials.⁹ Senator Lieu introduced Chapter 284 to reduce the growing number of swatting

1. Maria Nikias, *Anti-‘Swatting’ Bill Moves Forward in California Legislature*, ABC NEWS (Apr. 9, 2013, 4:19 PM), <http://abcnews.go.com/blogs/headlines/2013/04/anti-swatting-bill-moves-forward-in-california-legislature/> (on file with the *McGeorge Law Review*).

2. *Id.*

3. *Id.*

4. SWAT stands for special weapons and tactics. *Inside the LAPD*, L.A. POLICE DEP’T (July 20, 2013, 8:43 PM), http://www.lapdonline.org/inside_the_lapd/content_basic_view/848 (on file with the *McGeorge Law Review*). SWAT teams are highly trained responders to hostage incidents or incidents where an armed suspect poses a serious threat to the public. *Id.*

5. ‘SWATTING’/FALSE 911 CALLS, FACT SHEET: SB 333–SENATOR LIEU (2013), available at http://sd28.senate.ca.gov/sites/sd28.senate.ca.gov/files/SB%20333%20Fact%20Sheet_3.pdf [hereinafter FACT SHEET] (on file with the *McGeorge Law Review*).

6. *Id.*

7. *Id.*

8. Nikias, *supra* note 1.

9. See *id.* (listing Russell Brand, Justin Timberlake, Selena Gomez, and Rihanna as swatting victims); Christina Cocca & Ted Chen, *State Senator Ted Lieu, Author of Anti-Swatting Bill, Gets Swatted*, NBC L.A. (Apr. 21, 2013, 1:32 PM), <http://www.nbclosangeles.com/news/local/anti-swatting-senator-ted-lieu-home-swatted-203922861.html> (on file with the *McGeorge Law Review*) (noting such swatting victims as Ryan Seacrest, Sean “Diddy” Combs, Ashton Kutcher, and the author of Chapter 284, Senator Ted Lieu); FACT SHEET, *supra* note 5 (listing Simon Cowell, Tom Cruise, the Kardashians, Chris Brown, Charlie Sheen, Miley Cyrus, Justin Bieber, and Clint Eastwood as celebrity swatting victims).

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incidents and to give law enforcement the opportunity to seek reimbursement for the costs of responding to the swatting calls.¹⁰

II. LEGAL BACKGROUND

Section A of this Part explains how federal law deters using technology for swatting.¹¹ Section B discusses existing California law deterring prank 911 calls and false emergency reporting.¹²

A. How Federal Law Outlaws the Use of Technology for Swatting

Many prank callers use technology that causes the 911 system to misread the call as originating from the home where the falsely reported crime is in progress.¹³ However, the call does not come from the originating location, but only appears to do so through what is known as caller ID spoofing technology.¹⁴ Caller ID spoofing is the act of “sending false or misleading information, so as to deceive the receiving party” while hiding the identity and location of the caller.¹⁵ Swatting is one of the “illegitimate uses of caller ID spoofing technology.”¹⁶ Congress attempted to deter illegitimate uses of this technology by passing the Truth In Caller ID Act of 2009 (TICIDA).¹⁷ TICIDA makes it “unlawful for any person . . . to cause any caller identification service to knowingly transmit misleading or inaccurate caller identification information with the intent to defraud, cause harm, or wrongfully obtain anything of value.”¹⁸ TICIDA imposes criminal and civil penalties of up to \$10,000 for each violation.¹⁹ TICIDA also authorizes the states to individually seek civil penalties for caller ID spoofing technology violations.²⁰

10. FACT SHEET, *supra* note 5.

11. *Infra* Part II.A (discussing the ban on using technology in swatting).

12. *Infra* Part II.B (discussing state criminal law related to false crime reports).

13. Nikias, *supra* note 1.

14. Alicia Hatfield, *Phoney Business: Successful Caller Id Spoofing Regulation Requires More Than the Truth in Caller Id Act of 2009*, 19 J.L. & POL'Y 827, 828 (2011) (“[S]poofed’ caller identification . . . mak[es] the call appear to have originated from within [a] home.”).

15. HENNING SCHULZRINNE ET AL., CALLER ID SPOOFING AND CALL AUTHENTICATION TECHNOLOGY 9 (2012), available at <http://www.ftc.gov/bcp/workshops/robocalls/docs/Robocalls-Part5-Caller-ID-Spoofing.pdf> (on file with the *McGeorge Law Review*).

16. Hatfield, *supra* note 14, at 828.

17. *Id.* at 828–29.

18. 47 U.S.C. § 227(e)(1) (Supp. V 2006).

19. *Id.* § 227(e)(5).

20. *Id.* § 227(e)(6).

B. Deterrence at the State Level

Under the California Constitution, “[e]very person may freely speak, write and publish his or her sentiments on all subjects, being responsible for the abuse of this right.”²¹ However, a person may not invoke the right to free speech to justify reporting a fictitious crime.²² Accordingly, California has several laws in place that make it a crime to call 911 and falsely report an emergency.²³ These laws also have varying provisions regarding civil liability.²⁴

1. Reporting a False Emergency

Under Section 148.3 of the California Penal Code, anyone who “reports . . . that an ‘emergency’ exists, knowing that the report is false, is guilty of a misdemeanor.”²⁵ Additionally, a person whose false report causes “death or great bodily injury” and who “knows or should know” that such injury was likely to occur from the report will receive a felony conviction punishable by a fine of up to \$10,000, imprisonment, or both.²⁶

2. Calling 911 to Harass, Annoy, or Discuss a Non-Emergency

Under Section 653x(a) of the Penal Code, anyone who calls 911 “with the intent to annoy or harass another person” is “guilty of a misdemeanor” punishable by a fine of up to \$1,000, up to six months of jail time, or both.²⁷ However, unlike Section 148.3, Section 653x includes language stating that a person is civilly liable for the costs of the emergency response.²⁸ Under Section 653y(a), any person calling 911 for “any reason other than because of an emergency is guilty of an infraction” with varying punishments.²⁹

3. Imposing Civil Liability for a False Emergency Report

Under Section 53153.5 of the California Government Code, any person convicted of violating Section 148.3 of the California Penal Code and whose

21. CAL. CONST. art. I, § 2(a).

22. *Lefebvre v. Lefebvre*, 199 Cal. App. 4th 696, 703, 131 Cal. Rptr. 3d 171, 175 (2d Dist. 2011).

23. CAL. PENAL CODE § 148.3(a)–(c) (West Supp. 2013); *id.* §§ 653x(a), 653y(a) (West 2010).

24. PENAL § 653x(c); CAL. GOV'T CODE § 53153.5(a) (West 2012).

25. PENAL § 148.3(a) (punishable by up to a year in jail, up to a \$1,000 fine, or both).

26. *Id.* § 148.3(b).

27. *Id.* § 653x(a).

28. *Compare id.* § 653x(c) (including a provision for civil penalties), *with id.* § 148.3 (including no such provision).

29. *Id.* § 653y(a).

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false report “proximately causes an appropriate emergency response by a public agency,” must reimburse the agency for all costs resulting from the response.³⁰

III. CHAPTER 284

Chapter 284 creates additional consequences for an individual convicted of falsely reporting an emergency.³¹ In addition to existing fines, Chapter 284 imposes civil liability on an individual convicted under Section 148.3 of the Penal Code by making them “liable to a public agency for the reasonable costs of the emergency response by that public agency.”³² Chapter 284 establishes that the punishment for falsely reporting an emergency is not limited by Section 148.3 of the Penal Code.³³

IV. ANALYSIS

Chapter 284 attempts to deter prank 911 callers and to allow emergency responders to “recoup expenses within the criminal case, which reportedly can run as high as \$10,000 per incident.”³⁴ Section A explains how Chapter 284, as enacted, presents potential challenges to both prosecutors and law enforcement in effectively deterring swatting.³⁵ Section B discusses whether the public agency responding to the swatting call qualifies as a victim entitled to restitution.³⁶

A. *Can They Stop Me From Swatting You Now?*

This Section discusses how Chapter 284 changes the punishment for a swatting call³⁷ and addresses the challenges of enforcing the law against prank 911 callers.³⁸

30. CAL. GOV'T CODE § 53153.5(a) (West 2012).

31. PENAL § 148.3(d)–(e) (amended by Chapter 284).

32. *Id.* § 148.3(e) (amended by Chapter 284).

33. *Id.* § 148.3(d) (amended by Chapter 284) (“Nothing in [Section 148.3] precludes punishment for [falsely reporting an emergency] under any other section of law providing for greater punishment for that conduct.”).

34. SENATE FLOOR, COMMITTEE ANALYSIS OF SB 333, at 3 (May 1, 2013).

35. *Infra* Part IV.A (discussing the challenges to enforcement of the anti-swatting statute).

36. *Infra* Part IV.B (discussing whether the public agency which responds to the swatting call may legally qualify as a victim and, therefore, be entitled to restitution).

37. *Infra* Part IV.A.1 (discussing the various forms of punishment suggested for the anti-swatting statute).

38. *Infra* Part IV.A.2 (discussing the technological challenges facing law enforcement and the prosecutorial challenges of obtaining restitution from a prank 911 caller).

*McGeorge Law Review / Vol. 45**1. Not-So-New Punishments as Deterrence*

Senator Lieu's office stated that "'swatting' recently has grown to near-epidemic proportions in California—particularly throughout Los Angeles County . . . [T]hey must be deterred."³⁹ Senator Lieu first introduced Chapter 284 not only to hold an individual liable for the costs of the emergency response, but also to change the punishment and elements of the crime.⁴⁰ Specifically, Chapter 284 initially sought to deter swatting through easier prosecutions and mandatory jail time.⁴¹ As first introduced, Chapter 284 required an individual "to serve at least 120 days in county jail" if convicted of a misdemeanor under Section 148.3(a) of the Penal Code, even if the judge granted probation.⁴² As existing law already allows a convicted individual to spend up to a year in jail for the misdemeanor, it is doubtful that a 120-day minimum jail sentence would increase deterrence.⁴³

The legislation, as introduced, also removed the existing element that "the person knew or should have known that the false report was likely to cause death or great bodily injury in order for the person to be charged with a felony violation" under Section 148.3(b) of the Penal Code.⁴⁴ Removing this element created a strict liability felony.⁴⁵ The district attorney would have had one less element to prove, therefore making prosecution of the crime easier because the state did not have to offer evidence about the mental capacity of the individual.⁴⁶ The ease of prosecution would have had a positive effect on deterrence if the individual initiating the swatting call knew there was a greater probability of a felony conviction.⁴⁷

However, as amended and chaptered, Chapter 284 does not change the existing criminal penalty in Section 148.3 of the Penal Code, and adds a civil penalty, making the convicted caller "liable to a public agency for the reasonable costs of the emergency response by that public agency."⁴⁸ The legislature decided to forego the easier prosecution and leave in the "knows or should know that the

39. FACT SHEET, *supra* note 5.

40. SENATE COMMITTEE ON PUBLIC SAFETY, COMMITTEE ANALYSIS OF SB 333, at 2 (Apr. 9, 2013).

41. *See id.* at 5–6 (explaining the goals of Chapter 284).

42. Letter from John Lovell, Gov't Relations Manager, Cal. Police Chiefs Ass'n, to Ted Lieu, Senator, Cal. State Senate (Mar. 31, 2013) (on file with the *McGeorge Law Review*).

43. SENATE COMMITTEE ON PUBLIC SAFETY, COMMITTEE ANALYSIS OF SB 333, at 5 (Apr. 9, 2013); *compare* CAL. PENAL CODE § 148.3(a) (West 2013) (stating that punishment for making a false report is "imprisonment in a county jail for a period not exceeding one year"), *with* SENATE COMMITTEE ON PUBLIC SAFETY, COMMITTEE ANALYSIS OF SB 333, at 2 (Apr. 9, 2013) (stating the punishment would be a "minimum of 120 days not exceeding one year").

44. SENATE COMMITTEE ON PUBLIC SAFETY, COMMITTEE ANALYSIS OF SB 333, at 3 (Apr. 9, 2013).

45. *Id.* at 6.

46. *Id.*

47. *Id.*

48. PENAL § 148.3(e) (amended by Chapter 284).

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response to the report is likely to cause death or great bodily injury” element under Section 148.3(b) of the Penal Code.⁴⁹ The legislature believed a felony charge should not apply to an individual who “truly did not realize the possible risk of death or injury.”⁵⁰

The legislature amended the mandatory jail time provision of Chapter 284 due to concerns about prison overcrowding.⁵¹ The amendment sought to relieve the potential strain on county jails and resources that a mandatory jail sentence could cause.⁵² California’s prison population is a serious problem and a legitimate reason to amend Chapter 284.⁵³ However, as amended, Chapter 284 will not give prosecutors a more effective means to prosecute swatting offenders, and therefore will not deter swatting in that respect.⁵⁴

2. Enforcement: Now You See Me, Now You Don’t

While Senator Lieu does believe that Chapter 284 will deter swatting, he has acknowledged that it is very difficult for law enforcement to determine the true origin of the call because callers use advanced technology to make the call appear as if it originates at a particular home.⁵⁵ For the callers utilizing this technology to initiate a swatting, some in the legal community believe TICIDA is “the most effective method of prosecuti[on]” because TICIDA has higher pecuniary penalties than state laws.⁵⁶ Chapter 284 eases a prosecutor’s decision-making process in determining whether or not to seek civil penalties under TICIDA because the amount of restitution under Section 148.3 of the California Penal Code is now equal to the fine imposed under TICIDA.⁵⁷

Prior to Chapter 284, a state prosecutor seeking higher civil penalties under TICIDA would have to determine whether the individual used caller ID spoofing technology to mislead caller identification systems.⁵⁸ If the swatting call involved

49. PENAL § 148.3(b) (West Supp. 2013); E-mail from Jeff Gozzo, Chief of Staff, Office of Senator Ted Lieu, to author (July 16, 2013) [hereinafter Gozzo E-mail] (on file with the *McGeorge Law Review*).

50. Gozzo E-mail, *supra* note 49.

51. *Id.*; see also *Brown v. Plata*, 131 S. Ct. 1910, 1946–47 (2011) (affirming an order requiring California to reduce its prison population within two years). In 2007, over growing concerns regarding the prison population, the Senate Committee on Public Safety adopted a policy to review any bill that could negatively affect the prison population. SENATE COMM. ON PUB. SAFETY, 2007 BILL SUMMARY 3 (2007), available at <http://spsf.senate.ca.gov/sites/spsf.senate.ca.gov/files/billsummary2007.pdf> (on file with the *McGeorge Law Review*).

52. Gozzo E-mail, *supra* note 49.

53. See *Brown*, 131 S. Ct. at 1917 (noting California’s prison population was almost double what the prison capacity was when the lower court first ordered a prison population reduction).

54. SENATE COMMITTEE ON PUBLIC SAFETY, COMMITTEE ANALYSIS OF SB 333, at 5–6 (Apr. 9, 2013).

55. Nikias, *supra* note 1.

56. Hatfield, *supra* note 14, at 853–54.

57. See 47 U.S.C. § 227(5)(A)(i) (Supp. V 2006) (stating a penalty of \$10,000); see also SENATE FLOOR, COMMITTEE ANALYSIS OF SB 333, at 3 (May 1, 2013) (stating costs can be as high as \$10,000 per response).

58. 47 U.S.C. § 227(e)(1)(2012).

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a different technology,⁵⁹ the prosecutor could not utilize TICIDA and therefore could not obtain higher civil penalties.⁶⁰ Chapter 284 removes the technology limitation by applying the same civil penalties as TICIDA to all prank 911 calls.⁶¹ Additionally, a prosecutor suing under TICIDA would have to weigh the benefit of higher civil penalties against the cost of suing in federal court and the risk of federal intervention as the Federal Communications Commission has the right to “intervene in the state action” upon notice.⁶² Chapter 284 allows the state to seek restitution without a threat of federal interference.⁶³

Restitution will likely be an effective deterrent to swatting because it allows the state the opportunity to collect money from the convicted individual.⁶⁴ Moreover, restitution under Chapter 284 may be an even more effective deterrent than the civil penalties under TICIDA because the state can collect roughly the same amount of money from the convicted individual regardless of the technology used in the act.⁶⁵

B. Chapter 284 is Necessary Despite Existing Restitution Law

This Section explains how Chapter 284 removes any question that the public agency qualifies as a direct victim under restitution, discusses how existing restitution law may not apply to a swatting call, and describes how Chapter 284 allows a public agency to recoup its costs in the criminal proceeding.⁶⁶

59. See Brian Fitzgerald, ‘Swatting,’ *A Prank With Deadly Potential, Gains Popularity*, TimesUnion (Mar. 6, 2013, 9:12 AM), <http://www.timesunion.com/local/article/Settling-a-score-with-a-hoax-call-4331288.php> (on file with the *McGeorge Law Review*) (describing an instance in which “the call was made through the Albany Police Department’s 911 service for the hearing impaired, in which the caller uses a teleprinter to communicate, thus keeping his voice offline”); see also Hatfield, *supra* note 14, at 857 (“[I]t is unclear whether [TICIDA] also prohibits nefarious text message spoofing . . . [which] can accomplish many of the same illegitimate ends as traditional caller ID spoofing.”).

60. 47 U.S.C. § 227(e)(1)(2012); see also Hatfield, *supra* note 14, at 853–54 (stating the advantage of prosecuting under TICIDA is the higher penalties).

61. See *supra* text accompanying note 57.

62. Hatfield, *supra* note 14, at 846.

63. Compare CAL. PENAL CODE § 148.3(e) (amended by Chapter 284) (allowing the public agency to seek restitution for “the reasonable costs of the emergency response”), with 47 U.S.C. § 227(e)(6)(C)(2012) (giving the Federal Communications Commission intervening authority over state TICIDA actions).

64. See PENAL § 148.3(e) (amended by Chapter 284) (allowing the public agency to seek restitution for “the reasonable costs of the emergency response”).

65. See *supra* text accompanying note 57.

66. *Infra* Part IV.B.1–3 (discussing how Chapter 284 changes existing restitution law).

*2014 / Penal**1. Eliminating the Question of Whether the Public Agency Qualifies as a Victim Entitled to Restitution*

The California Constitution entitles victims of a crime to restitution in every case where a victim suffers a loss.⁶⁷ Section 1202.4 of the Constitution defines a victim to include a government agency “when that entity is a *direct victim* of a crime.”⁶⁸ In *People v. Birkett*, the California Supreme Court interpreted direct victim to mean “the real and immediate objects” of the crime.⁶⁹

The courts generally look to more than the routine costs of law enforcement activities when determining if a public agency qualifies as a direct victim.⁷⁰ For example, the California Supreme Court found that a public agency is a direct victim eligible for restitution when the crime committed against it is tax evasion or property theft.⁷¹ On the other hand, one appellate district held that a public agency is not a direct victim eligible for restitution for the costs to “investigate crimes or apprehend criminals.”⁷² A police agency responding to a 911 swatting call may not qualify as a direct victim for restitution because the swatting crime was not committed directly against the police responders—they are simply investigating a crime, albeit a fake one.⁷³

To alleviate the problem of determining if a public agency qualifies as a direct victim, the legislature may write specific remedy language into a statute to allow the public agency to collect the reasonable costs of the response from the responsible individual.⁷⁴ Chapter 284 adds a provision to Section 148.3 of the California Penal Code allowing a public agency to collect the reasonable costs of the response from the convicted individual, therefore eliminating the need to determine if an agency meets the definition of a direct victim under restitution standards.⁷⁵

67. CAL. CONST. art. I, § 28(b)13(A)–(B); *see also* CAL. PENAL CODE § 1202.4(a)(1) (West Supp. 2013) (codifying restitution for crime victims who suffer a loss).

68. PENAL § 1202.4(k)(2) (emphasis added).

69. *People v. Birkett*, 21 Cal. 4th 226, 233, 980 P.2d 912, 916 (Cal. 1999).

70. *Compare* *People v. Ozkan*, 124 Cal. App. 4th 1072, 1077, 21 Cal. Rptr. 3d 854, 858 (2005) (stating a public agency is not a direct victim), *with* *People v. Martinez*, 36 Cal. 4th 384, 393, 115 P.3d 62, 66–67 (Cal. 2005) (noting instances where a public agency is a direct victim).

71. *Martinez*, 36 Cal. 4th at 393, 115 P.3d at 66–67.

72. *Ozkan*, 124 Cal. App. 4th at 1077, 21 Cal. Rptr. 3d at 858.

73. ASSEMBLY COMMITTEE ON PUBLIC SAFETY, COMMITTEE ANALYSIS OF SB 333, at 3 (June 11, 2013).

74. *See, e.g.*, CAL. GOV'T CODE § 53150 (West 2012) (“Any person who is under the influence of an alcoholic beverage or any drug . . . whose negligent operation of a motor vehicle caused by that influence proximately causes any incident resulting in an appropriate emergency response . . . is liable for the expense of an emergency response by a public agency to the incident.”).

75. ASSEMBLY COMMITTEE ON PUBLIC SAFETY, COMMITTEE ANALYSIS OF SB 333, at 3 (June 11, 2013).

*McGeorge Law Review / Vol. 45**2. Applying Existing Restitution Law to Isolated False Emergency Reports*

The California Attorneys for Criminal Justice, the only opponent to Chapter 284, believe that Section 653x(c) of the California Penal Code is a specific statute that already addresses the restitution problem because it “can . . . be charged alternatively in almost any case involving the false report of an emergency.”⁷⁶ While that may be true, a prosecutor may not be able to obtain restitution from a swatting prank caller under this statute due to the language of Section 653x(b).⁷⁷ An individual charged under Section 653x(a) must call 911 with “the intent to annoy or harass another person.”⁷⁸ Section 653x(b) states “[a]n intent to annoy or harass is established by proof of repeated calls over a period of time, however short, that are unreasonable under the circumstances.”⁷⁹ The language “implies repeated behavior, rather than an isolated event.”⁸⁰ The purpose of enacting Section 653x was not to punish an individual reporting a false emergency, but rather to punish harassment or non-emergency use.⁸¹ Therefore, a swatting prank caller likely could not be charged under Section 653x because a swatting call is typically not one in a series of calls over a period of time, but rather an isolated event.⁸²

3. Removing the Need for a Separate Civil Proceeding

Section 53153.5 of the California Government Code supplements section 148.3 of the Penal Code with virtually the same language as Chapter 284.⁸³ However, because the recoupment language is currently located in the Government Code, the public agency would have to attempt to recoup its costs through a civil lawsuit, not the criminal proceedings.⁸⁴ By adding the same language to Section 148.3 of the Penal Code, Chapter 284 gives the public agency the ability to recoup its costs in the same proceeding.⁸⁵

While Chapter 284 does use language identical to other existing statutes, incorporating this language under Section 148.3 of the Penal Code eliminates the

76. SENATE FLOOR, COMMITTEE ANALYSIS OF SB 333, at 3–4 (May 1, 2013).

77. CAL. PENAL CODE § 653x(b) (West 2010).

78. *Id.* § 653x(a).

79. *Id.* § 653x(b).

80. Gozzo E-mail, *supra* note 49.

81. *See* SENATE FLOOR, COMMITTEE ANALYSIS OF AB 2741 (June 27, 1994) (citing examples of reasons individuals called 911, none being to falsely report an emergency).

82. *See, e.g.,* Cocca & Chen, *supra* note 9 (stating someone, claiming to be Senator Ted Lieu, sent a single text message to the police department “saying he had shot his wife”).

83. *See* CAL. GOVT. CODE § 53153.5(a) (West 2012) (stating anyone convicted under Section 148.3 of the Penal Code is “liable for the expense of the emergency response made by the responding public agency to the incident”).

84. Gozzo E-mail, *supra* note 49.

85. *Id.*

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need to determine if the public agency qualifies as a direct victim under restitution, provides a remedy against an individual convicted of making an isolated prank swatting 911 call, and enables the public agency to recoup its costs in one proceeding.⁸⁶ Therefore, Chapter 284 will likely achieve its goal of providing a remedy for emergency responders to recoup the reasonable costs of the response to a swatting call.⁸⁷

V. CONCLUSION

The goal of Chapter 284 is not only to deter future prank 911 callers, but also to provide emergency responders with a specific remedy against the convicted caller for the costs of the response.⁸⁸ Chapter 284 does not provide deterrence through easier prosecutions or mandatory jail time for convicted swatters.⁸⁹ However, Chapter 284 may still deter future swatters because it provides a remedy for the public agency to easily recoup the costs of the emergency response from the convicted swatter, and eliminates any confusion about whether the public agency qualifies as a direct victim entitled to restitution.⁹⁰ Only time will tell if Chapter 284 results in reduced swatting calls but, according to Senator Lieu, Chapter 284 offers “a good step forward.”⁹¹

86. *See supra* Part IV.B (discussing the benefits of incorporating restitution language into Section 148.3 of the California Penal Code).

87. FACT SHEET, *supra* note 5.

88. ASSEMBLY COMMITTEE ON PUBLIC SAFETY, COMMITTEE ANALYSIS OF SB 333, at 2 (June 11, 2013).

89. *See supra* Part IV.A.1 (discussing the various forms of punishment suggested for the anti-swatting statute).

90. *See supra* Part IV.B (explaining how Chapter 284 makes it easier for a public agency to collect restitution from a prank 911 caller).

91. Nikias, *supra* note 1.