

# SENATE BILL 138

E4, E2

9lr0324  
CF HB 667

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By: **Senators Lee, Augustine, Elfreth, Ellis, Feldman, Kelley, King, Lam, Nathan-Pulliam, Patterson, Pinsky, Smith, and Washington**

Introduced and read first time: January 21, 2019

Assigned to: Judicial Proceedings

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Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 5, 2019

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Stalking – Violation of Conditions of Release and Disqualifying Crime**

3 FOR the purpose of including the crime of stalking in the list of charges to which a certain  
4 prohibition against violating a certain condition of pretrial or posttrial release is  
5 applicable; ~~altering a certain definition of “convicted of a disqualifying crime” to~~  
6 ~~include a case in which a person received probation before judgment for a certain~~  
7 ~~crime of stalking;~~ and generally relating to the crime of stalking.

8 BY repealing and reenacting, with amendments,

9 Article – Criminal Procedure

10 Section 5–213.1

11 Annotated Code of Maryland

12 (2018 Replacement Volume)

13 ~~BY repealing and reenacting, with amendments,~~

14 ~~Article – Public Safety~~

15 ~~Section 5–101(b–1)~~

16 ~~Annotated Code of Maryland~~

17 ~~(2018 Replacement Volume)~~

18 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

19 That the Laws of Maryland read as follows:

20 **Article – Criminal Procedure**

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 5-213.1.

2 (a) A person may not violate a condition of pretrial or posttrial release prohibiting  
3 the person from contacting, harassing, or abusing an alleged victim or going in or near an  
4 alleged victim's residence or place of employment if the person is charged with committing:

5 (1) a violation of Title 3, Subtitle 3 of the Criminal Law Article against a  
6 victim who is a minor;

7 (2) a crime of violence as defined in § 5-101 of the Public Safety Article;  
8 [or]

9 (3) a crime against a victim who is a person eligible for relief as defined in  
10 § 4-501 of the Family Law Article; OR

11 (4) A VIOLATION OF § 3-802 OF THE CRIMINAL LAW ARTICLE.

12 (b) A person who violates subsection (a) of this section is guilty of a misdemeanor  
13 and on conviction is subject to imprisonment not exceeding 90 days.

14 ~~Article — Public Safety~~

15 ~~5-101.~~

16 ~~(b-1) (1) "Convicted of a disqualifying crime" includes A CASE IN WHICH A~~  
17 ~~PERSON RECEIVED PROBATION BEFORE JUDGMENT.~~

18 ~~(i) [a case in which a person received probation before judgment] for~~  
19 ~~a crime of violence; [and]~~

20 ~~(ii) [a case in which a person received probation before judgment] in~~  
21 ~~a domestically related crime as defined in § 6-233 of the Criminal Procedure Article; OR~~

22 ~~(III) FOR STALKING, AS DEFINED IN § 3-802 OF THE CRIMINAL~~  
23 ~~LAW ARTICLE.~~

24 ~~(2) "Convicted of a disqualifying crime" does not include a case in which a~~  
25 ~~person received a probation before judgment.~~

26 ~~(i) for assault in the second degree, unless the crime was a~~  
27 ~~domestically related crime as defined in § 6-233 of the Criminal Procedure Article; or~~

28 ~~(ii) that was expunged under Title 10, Subtitle 1 of the Criminal~~  
29 ~~Procedure Article.~~

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
2 October 1, 2019.

Approved:

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Governor.

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President of the Senate.

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Speaker of the House of Delegates.