

HOUSE BILL 110

E1

2lr0528

(PRE-FILED)

By: **Delegates Shetty and Pippy**

Requested: September 22, 2021

Introduced and read first time: January 12, 2022

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Law – Stalking – Penalties**

3 FOR the purpose of altering the penalties for stalking under certain circumstances; and
4 generally relating to the crime of stalking.

5 BY repealing and reenacting, with amendments,
6 Article – Criminal Law
7 Section 3–802
8 Annotated Code of Maryland
9 (2021 Replacement Volume and 2021 Supplement)

10 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
11 That the Laws of Maryland read as follows:

12 **Article – Criminal Law**

13 3–802.

14 (a) In this section, “stalking” means a malicious course of conduct that includes
15 approaching or pursuing another where:

16 (1) the person intends to place or knows or reasonably should have known
17 the conduct would place another in reasonable fear:

18 (i) 1. of serious bodily injury;

19 2. of an assault in any degree;

20 3. of rape or sexual offense as defined by §§ 3–303 through
21 3–308 of this title or attempted rape or sexual offense in any degree;

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 4. of false imprisonment; or

2 5. of death; or

3 (ii) that a third person likely will suffer any of the acts listed in item
4 (i) of this item; or

5 (2) the person intends to cause or knows or reasonably should have known
6 that the conduct would cause serious emotional distress to another.

7 (b) The provisions of this section do not apply to conduct that is:

8 (1) performed to ensure compliance with a court order;

9 (2) performed to carry out a specific lawful commercial purpose; or

10 (3) authorized, required, or protected by local, State, or federal law.

11 (c) A person may not engage in stalking.

12 (d) **(1) [A] EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS**
13 **SUBSECTION, A person who violates this section is guilty of a misdemeanor and on**
14 **conviction is subject to imprisonment not exceeding 5 years or a fine not exceeding \$5,000**
15 **or both.**

16 **(2) A PERSON WHO IS CONVICTED UNDER SUBSECTION (C) OF THIS**
17 **SECTION IS GUILTY OF A FELONY AND IS SUBJECT TO IMPRISONMENT NOT**
18 **EXCEEDING 10 YEARS OR A FINE NOT EXCEEDING \$10,000 OR BOTH IF:**

19 **(I) THE PERSON HAD AN INTERIM, TEMPORARY, OR FINAL**
20 **PROTECTIVE ORDER IN EFFECT AGAINST THE PERSON AT THE TIME OF THE**
21 **OFFENSE IN WHICH THE VICTIM WAS THE PETITIONER;**

22 **(II) THE PERSON HAS PREVIOUSLY BEEN CONVICTED ONCE**
23 **UNDER SUBSECTION (C) OF THIS SECTION; OR**

24 **(III) THE PERSON PREVIOUSLY HAS BEEN CONVICTED ONCE OF A**
25 **CRIME UNDER THE LAWS OF ANOTHER STATE THAT WOULD BE A CRIME UNDER**
26 **SUBSECTION (C) OF THIS SECTION IF COMMITTED IN THIS STATE.**

27 (e) A sentence imposed under this section may be separate from and consecutive
28 to or concurrent with a sentence for any other crime based on the acts establishing a
29 violation of this section.

30 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect

1 October 1, 2022.