

SENATE BILL 328

E1

2lr1155
CF HB 148

By: **Senators Waldstreicher, Carter, Lee, Smith, Sydnor, and Hettleman**

Introduced and read first time: January 20, 2022

Assigned to: Judicial Proceedings

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: February 17, 2022

CHAPTER _____

1 AN ACT concerning

2 **Criminal Law – Stalking – Definition**

3 FOR the purpose of altering the definition of stalking to include conduct that occurs in
4 person, through electronic communication, or through the use of a certain device;
5 and generally relating to stalking.

6 BY repealing and reenacting, with amendments,
7 Article – Criminal Law
8 Section 3–802
9 Annotated Code of Maryland
10 (2021 Replacement Volume and 2021 Supplement)

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

13 **Article – Criminal Law**

14 3–802.

15 (a) In this section[,]:

16 **(1)** “stalking” means a malicious course of conduct that includes
17 approaching or pursuing another where:

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 [(1)] (I) the person intends to place or knows or reasonably should have
2 known the conduct would place another in reasonable fear:

3 [(i)] 1. A. of serious bodily injury;

4 [2.] B. of an assault in any degree;

5 [3.] C. of rape or sexual offense as defined by §§ 3–303
6 through 3–308 of this title or attempted rape or sexual offense in any degree;

7 [4.] D. of false imprisonment; or

8 [5.] E. of death; or

9 [(ii)] 2. that a third person likely will suffer any of the acts listed
10 in item [(i)] 1 of this item; or

11 [(2)] (II) the person intends to cause or knows or reasonably should have
12 known that the conduct would cause serious emotional distress to another; AND

13 (2) **“STALKING” INCLUDES CONDUCT DESCRIBED IN ITEM (1) OF THIS**
14 **SUBSECTION THAT OCCURS:**

15 (I) IN PERSON;

16 (II) BY ELECTRONIC COMMUNICATION, AS DEFINED IN § 3–805
17 OF THIS SUBTITLE; OR

18 (III) THROUGH THE USE OF A DEVICE THAT CAN PINPOINT OR
19 TRACK THE LOCATION OF ANOTHER WITHOUT THE PERSON’S KNOWLEDGE OR
20 CONSENT.

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

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

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

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

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

26 (d) A person who violates this section is guilty of a misdemeanor and on conviction
27 is subject to imprisonment not exceeding 5 years or a fine not exceeding \$5,000 or both.

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

4 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
5 October 1, 2022.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.