

Department of Legislative Services
Maryland General Assembly
2022 Session

FISCAL AND POLICY NOTE
First Reader

Senate Bill 429 (Senator Lee)
Judicial Proceedings

Criminal Law - Stalking - Penalties

This bill alters existing penalties for stalking if a person committed the act and either (1) had an interim, temporary, or final protective order in effect against the person at the time of the offense in which the victim was the petitioner; (2) had previously been convicted of stalking; or (3) had previously been convicted of stalking under the law of another state that would be the crime of stalking under State statute. A violator who engages in stalking under these circumstances is guilty of a felony and subject to imprisonment for up to 10 years and/or a \$10,000 maximum fine.

Fiscal Summary

State Effect: Potential minimal increase in general fund expenditures due to the bill's incarceration penalty. Potential minimal decrease in general fund revenues from fines imposed in cases shifted from the District Court to the circuit courts due to the bill's felony designation for some stalking violations.

Local Effect: Potential minimal increase in local revenues from fines imposed in circuit court cases. Expenditures are not materially affected.

Small Business Effect: None.

Analysis

Current Law: A person may not engage in "stalking." "Stalking" means a malicious course of conduct that includes approaching or pursuing another where:

- the person intends to place or knows or reasonably should have known the conduct would place another in reasonable fear of serious bodily injury or death; of an assault in any degree; of rape or sexual offense as defined by §§ 3-303 through 3-308 of the Criminal Law Article or attempted rape or sexual offense in any degree; of false imprisonment; or that a third person likely will suffer any of these acts; or
- the person intends to cause or knows or reasonably should have known that the conduct would cause serious emotional distress to another.

The prohibition against stalking does not apply to conduct that is performed to ensure compliance with a court order; performed to carry out a specific lawful commercial purpose; or authorized, required, or protected by local, State, or federal law.

Stalking is a misdemeanor, punishable by imprisonment for up to five years and/or a \$5,000 maximum fine. A sentence imposed for stalking may be separate from and consecutive to or concurrent with a sentence for any other crime based on the acts establishing the stalking violation.

Additional Comments: According to the Maryland Sentencing Guidelines Database, four individuals were sentenced for four total counts of stalking in the State’s circuit courts during fiscal 2021. According to the Department of Public Safety and Correctional Services, during fiscal 2021, the Division of Correction received two inmates and the Division of Parole and Probation had 29 probation intakes for stalking. Data is not readily available on how many of these individuals would have qualified for the penalty established under the bill.

Additional Information

Prior Introductions: None.

Designated Cross File: HB 110 (Delegates Shetty and Pippy) - Judiciary.

Information Source(s): Maryland State Commission on Criminal Sentencing Policy; Judiciary (Administrative Office of the Courts); Office of the Public Defender; Maryland State’s Attorneys’ Association; Department of Public Safety and Correctional Services; Department of Legislative Services

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