

Testimony of the Human Trafficking Prevention Project

BILL NO: Senate Bill 328
TITLE: Criminal Law - Stalking - Definition
COMMITTEE: Judicial Proceedings
HEARING DATE: February 8, 2022
POSITION: SUPPORT

Senate Bill 328 will expand the definition of stalking to include electronic communication and digital tracking of a person without their consent. The Human Trafficking Prevention Project at the University of Baltimore School of Law supports this bill because it will provide an additional avenue for legal protection for individuals who trade sex, including survivors of human trafficking, who are frequently subjected to stalking.

Stalking constitutes behaviors and patterns wherein an individual knowingly follows, harasses, surveils and/or threatens another. However, Maryland's current stalking statute was passed at a time before the existence of easily accessible electronic methods of communication and tracking of others. As such, the stalking statute in its current form only addresses the physical following and tracking of a victim. In today's digital age, stalking is more commonly committed using electronic means of communication or tracking, instead of physically pursuing a victim. Common examples of stalking using electronic means include but are by no means limited to hiding a GPS tracker in a victim's car, turning on the victim's phone location application and using it to track the victim's whereabouts, putting a camera or listening device in a child's toy in order to hear/watch what happens at the victim's home, or installing spyware on a victim's computer.

People who trade sex are put at heightened risk of stalking, given that they routinely rely on the internet to connect with customers, a practice which exposes them to unique online safety and privacy challenges. In fact, given that the practice of sex work is primarily conducted online, studies conducted on the experiences of people who trade sex frequently report online-based crimes, including stalking and online harassment.¹ Stalking is also frequently reported by survivors of human trafficking, a crime which is largely accomplished by surveillance as a method of control. From the recruitment and grooming of a victim through to methods of intimidation used if the victim attempts to flee, stalking behavior, both physical and electronic, is common and effective.

Senate Bill 328 will build on existing law by expanding the definition of stalking to include electronic communication and the digital tracking of an individual's whereabouts without their consent. This legislation will open up legal avenues for victims of electronic stalking and surveillance, many of whom, like sex workers and trafficking survivors, may be reticent or unwilling to report to law enforcement. For these reasons, the Human Trafficking Prevention Project at the University of Baltimore School of Law supports Senate Bill 328. We respectfully urge a favorable report.

¹ University of Leicester et. al., *Beyond the Gaze: Safety and Privacy for Online Sex Workers* (2018), <https://www.beyond-the-gaze.com/wp-content/uploads/2019/01/BeyondtheGazeSafetyandPrivacyFOSWCcopyrightBtG.pdf> (reporting that two-thirds of the individuals surveyed reported online stalking and/or harassment).