
By: **Delegates Lee, Barkley, Benson, Bobo, Carter, Conroy, Dumais, Frush, Gilleland, Glassman, Goldwater, Heller, Howard, Hubbard, James, Kaiser, King, Madaleno, Mandel, Marriott, Mayer, McComas, McDonough, Montgomery, Nathan-Pulliam, Pendergrass, Petzold, Shewell, Smigiel, Stern, Taylor, and Trueschler**

Introduced and read first time: February 9, 2005

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Law - Stalking - Included Acts**

3 FOR the purpose of defining the term "conduct" for purposes of a prohibition against
4 stalking to include approaching or pursuing another, monitoring or following
5 another, or communicating with another; modifying the definition of "stalking"
6 to repeal a certain element of the crime of stalking that requires approaching or
7 pursuing another; making certain technical changes; and generally relating to
8 the crime of stalking.

9 BY repealing and reenacting, without amendments,
10 Article - Criminal Law
11 Section 3-801
12 Annotated Code of Maryland
13 (2002 Volume and 2004 Supplement)

14 BY repealing and reenacting, with amendments,
15 Article - Criminal Law
16 Section 3-802
17 Annotated Code of Maryland
18 (2002 Volume and 2004 Supplement)

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

21 **Article - Criminal Law**

22 3-801.

23 In this subtitle, "course of conduct" means a persistent pattern of conduct,
24 composed of a series of acts over time, that shows a continuity of purpose.

1 3-802.

2 (a) (1) In this section[,] THE FOLLOWING WORDS HAVE THE MEANINGS
3 INDICATED.

4 (2) "CONDUCT" INCLUDES:

5 (I) APPROACHING OR PURSUING ANOTHER;

6 (II) MONITORING OR FOLLOWING ANOTHER BY OR THROUGH THE
7 USE OF ANY DEVICE, ACTION, OR MEANS, INCLUDING ELECTRONIC METHODS; OR

8 (III) COMMUNICATING WITH ANOTHER THROUGH VERBAL,
9 WRITTEN, ELECTRONIC, OR OTHER MEANS.

10 (3) ["stalking"] "STALKING" means a malicious course of conduct [that
11 includes approaching or pursuing another] where the person intends to place or
12 knows or reasonably should have known the conduct would place another in
13 reasonable fear:

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

15 [(ii)] 2. of an assault in any degree;

16 [(iii)] 3. of rape or sexual offense as defined by §§ 3-303 through
17 3-308 of this article or attempted rape or sexual offense in any degree;

18 [(iv)] 4. of false imprisonment; or

19 [(v)] 5. of death; or

20 [(2)] (II) that a third person likely will suffer any of the acts listed in
21 item [(1) of this subsection] (I) OF THIS PARAGRAPH.

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

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

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

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

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

27 (d) A person who violates this section is guilty of a misdemeanor and on
28 conviction is subject to imprisonment not exceeding 5 years or a fine not exceeding
29 \$5,000 or both.

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

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 October 1, 2005.