

SENATE BILL 138

E4, E2

9lr0324

By: **Senators Lee, Augustine, Elfreth, Ellis, Feldman, Kelley, King, Lam, Nathan-Pulliam, Patterson, Pinsky, Smith, and Washington**

Introduced and read first time: January 21, 2019

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Stalking – Violation of Conditions of Release and Disqualifying Crime**

3 FOR the purpose of including the crime of stalking in the list of charges to which a certain
4 prohibition against violating a certain condition of pretrial or posttrial release is
5 applicable; altering a certain definition of “convicted of a disqualifying crime” to
6 include a case in which a person received probation before judgment for a certain
7 crime of stalking; and generally relating to the crime of stalking.

8 BY repealing and reenacting, with amendments,
9 Article – Criminal Procedure
10 Section 5–213.1
11 Annotated Code of Maryland
12 (2018 Replacement Volume)

13 BY repealing and reenacting, with amendments,
14 Article – Public Safety
15 Section 5–101(b–1)
16 Annotated Code of Maryland
17 (2018 Replacement Volume)

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

20 **Article – Criminal Procedure**

21 5–213.1.

22 (a) A person may not violate a condition of pretrial or posttrial release prohibiting
23 the person from contacting, harassing, or abusing an alleged victim or going in or near an
24 alleged victim’s residence or place of employment if the person is charged with committing:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (1) a violation of Title 3, Subtitle 3 of the Criminal Law Article against a
2 victim who is a minor;

3 (2) a crime of violence as defined in § 5–101 of the Public Safety Article;
4 [or]

5 (3) a crime against a victim who is a person eligible for relief as defined in
6 § 4–501 of the Family Law Article; **OR**

7 **(4) A VIOLATION OF § 3–802 OF THE CRIMINAL LAW ARTICLE.**

8 (b) A person who violates subsection (a) of this section is guilty of a misdemeanor
9 and on conviction is subject to imprisonment not exceeding 90 days.

10 **Article – Public Safety**

11 5–101.

12 (b–1) (1) “Convicted of a disqualifying crime” includes **A CASE IN WHICH A**
13 **PERSON RECEIVED PROBATION BEFORE JUDGMENT:**

14 (i) [a case in which a person received probation before judgment] for
15 a crime of violence; [and]

16 (ii) [a case in which a person received probation before judgment] in
17 a domestically related crime as defined in § 6–233 of the Criminal Procedure Article; **OR**

18 **(III) FOR STALKING, AS DEFINED IN § 3–802 OF THE CRIMINAL**
19 **LAW ARTICLE.**

20 (2) “Convicted of a disqualifying crime” does not include a case in which a
21 person received a probation before judgment:

22 (i) for assault in the second degree, unless the crime was a
23 domestically related crime as defined in § 6–233 of the Criminal Procedure Article; or

24 (ii) that was expunged under Title 10, Subtitle 1 of the Criminal
25 Procedure Article.

26 **SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect**
27 **October 1, 2019.**