

Legislative Letter--Stalking Definition DVCC final

Uploaded by: Brett Engler

Position: FAV



The Honorable William Smith & Members of the Senate Judicial Proceedings Committee
Chairperson, Senate Judicial Proceedings Committee
11 Bladen Street, Annapolis, MD 21401

Dear Chairperson Smith and Judicial Proceedings Committee,

The Frederick County Domestic Violence Coordinating Council (DVCC) writes in support of Senate Bill 328 Stalking: Definition. The Frederick County DVCC was formed in 2020 in order to increase collaboration and communication among criminal and civil justice stakeholders, service providers, and community members with the goal to reduce and prevent domestic violence in Frederick County.

The DVCC is in support of Senate Bill 328 because the definition of stalking must be updated to include electronic communication and tracking devices in order to respond to modern stalking behavior. According to Dr. Jacqueline Campbell in her study “Stalking and Intimate Partner Femicide,” in 85% of attempted and 76% of completed intimate partner femicides, the victim had been stalked in the year preceding the crime. Additionally, 54% of female domestic violence homicide victims *reported* stalking to police before they were killed by their stalkers. In order to prevent intimate partner homicide, and bring peace and justice to victims of stalking, Maryland must respond to and deter stalking as it is being perpetrated in the modern era—through the use of technology.

Brett Engler, *Esq.*
Assistant State’s Attorney
Chair, Frederick County DVCC

Jessica Fitzwater
County Council Member, District 4
Vice-Chair, Frederick County DVCC

SB 328 (definition of stalking) AG Testimony in Su

Uploaded by: Carrie Williams

Position: FAV



State of Maryland
Office of the Attorney General

February 4, 2022

TO: The Honorable William C. Smith, Jr., Chair, Judicial Proceedings
Committee

FROM: Carrie J. Williams, Assistant Attorney General

RE: Attorney General's Support for SB 328

The Attorney General urges the Judicial Proceedings Committee to report favorably on SB 328. SB 328 would expand the definition of “stalking” to include electronic communication or using a device to track a person’s location without knowledge or consent.

Modern “smart phones” with GPS location capability and other GPS tracking devices are more commonplace and affordable every year. While these devices have increased personal and public safety in many important ways, they can present a grave safety risk for victims of domestic violence and stalking.

By surreptitiously placing a GPS tracking device in a victim’s car or purse, or activating the location software on a victim’s cell phone, a stalker can access a victim’s precise location at any point in time. This invasion of privacy is not only emotionally distressing, it can be a matter of life or death for someone fleeing an abusive partner or stalker.

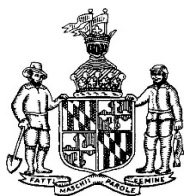
SB 328 modernizes Maryland law by including electronic communications and non-consensual tracking devices in the definition of “stalking.” The Attorney General urges a favorable report on SB 328.

cc: Members of the Committee

Feinstein Letter of Support SB328.pdf

Uploaded by: Debbie Feinstein

Position: FAV



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February 4, 2022

The Honorable William Smith & Members of the Senate Judicial Proceedings Committee
Chairperson, Senate Judicial Proceedings Committee
11 Bladen Street
Annapolis, MD 21401

Dear Chairperson Smith and JPR Committee Members:

I write in support of SB328, Criminal Law—Stalking—Definition. I am the Chief of the Special Victims Division for the Montgomery County State's Attorney's Office and I chair the Montgomery County Domestic Violence Coordinating Council. I am a member of the Governor's Family Violence Council and chair of the Maryland State's Attorneys' Association's Domestic Violence Subcommittee, which includes representatives from jurisdictions across the state.

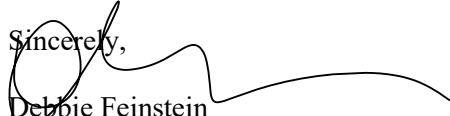
Section 3-802 of the Criminal Law Article currently criminalizes stalking, a malicious course of conduct that includes approaching or pursuing another where the person intends to place or knows or reasonably should have known the conduct would place another person in reasonable fear of: serious bodily injury, assault, rape or sexual offense, false imprisonment, death, or that a third person will suffer any of these acts. The law also criminalizes stalking when the person intends to cause or knows or reasonably should have known that the conduct would cause serious emotional distress to another. The crime of stalking is currently a misdemeanor and carries a maximum penalty of 5 years or \$5,000.

The current statute does not include specific examples of conduct. SB328 specifies that stalking includes conduct that occurs in person, by electronic communication, or by use of a tracking device. By delineating specific conduct, the public is on clear notice that stalking includes social media, electronic mail, instant messaging, and the many other forms of communication that exist in 2022. Moreover, our police department has noticed an uptick in the use of air tags and tiles for the purpose of tracking the whereabouts of another individual. These types of small tags can be easily dropped into a bag or purse, a car, or any other item that might facilitate tracking. As technology and communication evolve, so must the law.

To be clear, the definition of conduct in SB328 is not meant to be all inclusive. Stalking may also include letter-writing, phone calls, or other means. In addition, unlike harassment (section 3-803) and electronic communications harassment (section 3-805), stalking does not require a warning to stop communication or activity. Engagement with a stalker, particularly in the context of intimate partner violence, may raise the level of danger for the victim.

I urge the House Judiciary Committee to issue a favorable report on SB328.

Sincerely,


Debbie Feinstein
Chief, Special Victims Division
Senior Assistant State's Attorney

SB 328 FAV House of Ruth.pdf

Uploaded by: Dorothy Lennig

Position: FAV



Marjorie Cook Foundation
Domestic Violence Legal Clinic
2201 Argonne Drive • Baltimore, Maryland 21218 • 410-554-8463 • dlennig@hruthmd.org

TESTIMONY IN SUPPORT OF SENATE BILL 328
February 8, 2022
DOROTHY J. LENNIG, LEGAL CLINIC DIRECTOR

House of Ruth Maryland is a non-profit organization providing shelter, counseling, and legal services to victims of domestic violence throughout the State of Maryland. House of Ruth has offices in Baltimore City, Baltimore County, Prince George's County, and Montgomery County. Senate Bill 328 would expand the definition of stalking to include electronic communication and tracking a person without their consent. **We strongly urge the Senate Judicial Proceedings Committee to issue a favorable report on Senate Bill 328.**

The original stalking statute was passed at a time before the existence of electronic methods of communication and tracking a person. As such, the stalking statute in its current form only addresses physical forms of following a victim. Nowadays, most stalking is 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; and, installing spyware on a victim's computer.

Victims who are subjected to these forms of electronic stalking live in almost-constant fear. They never know when, where or how an abuser might conceal a tracking or listening device and use it to follow, track or spy on their daily activities. Victims who move to a secure location for safety purposes or who change their routines in order to avoid their abusers are left to wonder if their new location is truly safe or if their abusers will find out by using a variety of technologies to locate them.

Under the proposed change in the law, such actions could be considered stalking if the victim can prove that the perpetrator intended to cause or knew or reasonably should have known that the conduct would place the victim in fear of harm or cause serious emotional distress. This would bring the law in line with the forms of stalking that are mostly widely used today.

The House of Ruth urges a favorable report on Senate Bill 328.

SB328 – Stalking - Definition.pdf

Uploaded by: Doyle Niemann

Position: FAV



St., Baltimore, MD 21201
800-492-1964
| tdd 410-539-3186

To: Members of The House Judiciary Committee

From: Doyle Niemann, Chair, Legislative Committee, Criminal Law and Practice Section

Date: February 4, 2022

Subject: **SB328 – Criminal Law – Stalking - Definition**

Position: **Support**

The Legislative Committee of the Criminal Law & Practice Section of the Maryland State Bar Association (MSBA) **Supports SB328 – Criminal Law – Stalking - Definition.**

This bill updates the current law in regards to stalking to take into account the increasing incidence of stalking behavior by electronic means, including the hidden tracking of victims.

Current law covers a variety of activities, but its language about “approaching or pursuing another” has often been interpreted to mean actual physical contact or presence. In today’s connected world, the offensive actions meant to be covered by the statute often occur through electronic means.

This bill clarifies that staking includes both conduct that occurs in person and by electronic communication as already defined. It also would cover the use of electronic devices, which are not common, that can be surreptitiously used to track the location of a victim without their knowledge or consent.

This is badly needed change that will bring the law into the current era.

For the reasons stated, we **Support SB328 – Criminal Law – Stalking - Definition.**

If you have questions about the position of the Criminal Law and Practice Section’s Legislative Committee, please feel free to address them to me at 240-606-1298 or at doyleniemann@verizon.net.

Additional information can also be provided by Shaoli Katana at MSBA - shaoli@msba.org.

SB0328 Stalking.pdf

Uploaded by: Essita Duncan

Position: FAV



www.marylandwomen.org

Maryland Commission for Women

A Commission of the Maryland Department of Human Services

51 Monroe Street, Ste. 1034 – Rockville, Maryland 20850

301-610-4524

www.marylandwomen.org

January 26, 2022

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The Honorable William C. Smith, Chair
The Honorable Jeffrey Waldstreicher, Vice Chair
Senate Judicial Proceedings Committee
Miller Senate Office Building, 2 East Wing
11 Bladen St., Annapolis, MD 21401 – 1991

Re: SB0328 – Criminal Law - Stalking - Definition

Dear Senators Smith and Waldstreicher and Members of the Senate Judicial Proceedings Committee:

The Maryland Commission for Women (MCW) urges your support of SB0328 which would expand the current definition of stalking to include electronic communication and tracking devices.

The MCW was established in 1965 and was set in state law in 1971. An office of the Department of Human Services, the Commission is a 25-member advisory board whose duties outlined in its enabling legislation include: study the status of women in our state, recommend methods of overcoming discrimination, recognize women's accomplishments and contributions, and provide informed advice to the executive and legislative branches of government on the issues concerning the women of our state. It is to fulfill this mandate that the Commission writes to you today.

(The positions expressed in this letter are those of the Commission for Women and do not necessarily reflect the position of the Governor or the Department of Human Services.)

As you know, stalking in Maryland is currently defined as “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 suffering serious bodily injury, assault, rape or sexual offense, false imprisonment, or death, or that a third person likely will suffer any of the acts listed.” MD. Criminal Law Code Ann. §3-802 (2020). Stalking today, often referred as “modern stalking” is much more than in person conduct of following a person around by foot or vehicle. With the advancement of technology, a person can be easily stalked electronically.

Through the use of electronic communication and tracking devices, such as spyware placed on a person's phone, computer, vehicle, or other device, a person's conduct and location can be monitored and pinpointed without the person's knowledge and consent. Once detected, modern stalking is often difficult to prosecute in Maryland due to our narrow definition of stalking.

Senate Bill 0328 is a step in the right direction in providing recourse for victims of modern stalking. The bill expands the definition of stalking to include conduct that occurs by electronic means. This bill gives our prosecutorial offices the means to seek justice on behalf of victims.

We strongly urge your support of SB0328.

With very best regards,



Yun Jung Yang, Chair
Maryland Commission for Women

HPP Testimony SB 328- FINAL.pdf

Uploaded by: Jessica Emerson

Position: FAV

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).

WDC Testimony SB328-2022_FINAL.pdf

Uploaded by: JoAnne Koravos

Position: FAV



MONTGOMERY COUNTY, MARYLAND
WOMEN'S DEMOCRATIC CLUB

P.O. Box 34047, Bethesda, MD 20827

www.womensdemocraticclub.org

**Senate Bill 328 - Criminal Law-Stalking-Definition
Judicial Proceedings Committee – February 8, 2022
SUPPORT**

Thank you for this opportunity to submit written testimony concerning an important priority of the **Montgomery County Women's Democratic Club (WDC)** for the 2022 legislative session. WDC is one of the largest and most active Democratic Clubs in our County with hundreds of politically active women and men, including many elected officials.

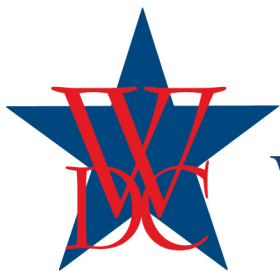
WDC urges the passage of SB328, which alters the definition of “stalking” to include conduct that occurs through the use of electronic communication and tracking/location devices. WDC members were surprised to learn that Maryland law is currently silent on this form of stalking. Women urgently need this bill to pass to protect electronic stalking victims who are threatened and harmed by these acts. While statistics are scarce, a CDC study estimated that 16% of women and 5% of men have been subjected to some form of cyberstalking. The study said, shockingly, that 30% of Native American women in the US had been victims.

A recent *Baltimore Sun* article about a cyberstalking case in Silver Spring glaringly pinpoints the harm that can be done to victims:

Less than two months after their office romance ended, Ahmad Kazzelbach began tampering with the email and social media accounts of the Baltimore woman who broke up with him. He changed her Instagram username to include the word “whore.” That was only the start of a vicious cyberstalking campaign that would escalate steadily over the next year. **Before FBI agents arrested her ex-boyfriend, the woman was wrongfully arrested twice and spent four nights in jail based on a string of false police reports that he made** (emphasis added). Kazzelbach, 27, of Pasadena, Maryland, was sentenced on Monday to four years in prison for his online harassment of the woman.

This defendant faced criminal charges because cyberstalking is a federal crime. It needs to be a crime under Maryland state law as well.

Common examples of stalking using electronic means include, but are not limited to, hiding a GPS tracker in a victim's car; turning on the victim's phone location application to track whereabouts; putting a camera or listening device in a child's toy to hear/watch what happens in a victim's home and installing spyware on a victim's computer. Maryland agencies that provide services to abused women and their families such as House of Ruth Maryland and the Easton-based Mid-Shore Council on Family Violence (MSCFV), report numerous cases of perpetrators using all the above methods and more. These organizations report that their clients live in almost-constant fear, never knowing when or how an abuser might conceal a tracking or listening device and use it to stalk them. Victims who move to a secure location or change their



MONTGOMERY COUNTY, MARYLAND
WOMEN'S DEMOCRATIC CLUB

P.O. Box 34047, Bethesda, MD 20827

www.womensdemocraticclub.org

routines to avoid abusers are left to wonder if their new location is truly safe or if their abusers will learn where they are by using a variety of technologies to determine their place of residence.

Maryland electronic stalking victims deserve better.

We ask for your support for SB328 and strongly urge a favorable Committee report.

Respectfully,

Leslie Milano
President

SB 328 - Criminal Law - Stalking - Definition.pdf

Uploaded by: Laure Ruth

Position: FAV

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

Senate Bill 328 would update Maryland's existing stalking crime to explicitly include the more modern methods of stalking in use today. The Women's Law Center (WLC) supports this important bill as we have many clients who experience electronic stalking, and as it is intrusive, unsettling and very scary.

Currently our criminal stalking statute only addresses physical forms of following a victim. However, as we see all too often, most stalking is committed using electronic means of communication of tracking, instead of physically pursuing a victim. Most often, the cell phone is used as a method stalking, by either loading spyware or tracking apps, without the user's knowledge, or other common methods, such as hiding a GPS tracker in a victim's car, putting a camera or listening device in a child's toy in order to hear/watch what happens at the victim's home, installing spyware on a victim's computer. The National Network to End Domestic violence has a page dedicated to understanding electronic stalking, techsafety.org. On it, you see the most common ways someone stalks another using electronic means – cell phone misuse - using existing apps like family finding apps or adding hidden spyware; impersonation (through creating fake social media accounts, hacking, sending fake emails, spoofing, etc.); and by computer spyware. There are also non-cell phone based tracking devices, such as GPS locators placed on cars, or the new Air Tag, placed on a car, in a diaper bag, in a purse, etc.

Under the proposed change in the law, such actions could be considered stalking if the victim can prove that the perpetrator intended to cause or knew or reasonable should have known that the conduct would cause serious emotional distress (this is part of the existing law). This would bring the law in line with the forms of stalking that are mostly widely used today.

Stalking is insidious - operating or proceeding in an inconspicuous or seemingly harmless way but actually with grave effect. The toll it takes on its victims is extreme. Victims who are being stalked are physiologically on high alert all the time, which can cause health issues. It is exhausting. It is invasive of one's privacy. If it escalates to actual assault, that is even worse.

Thus, the Women's Law Center of Maryland urges a favorable report for SB 328.

The Women's Law Center of Maryland is a private, non-profit, legal services organization that serves as a leading voice for justice and fairness for women. It advocates for the rights of women through legal assistance to individuals and strategic initiatives to achieve systemic change, working to ensure physical safety, economic security, and bodily autonomy for women in Maryland.

VSAB SupportLTR StalkingDefElectroncTracking SB328

Uploaded by: Leslie Frey

Position: FAV



VICTIM SERVICES ADVISORY BOARD

February 8, 2022

The Honorable William C. Smith, Jr.
Chair, Senate Judicial Proceedings Committee
2 East, Miller Senate Office Building
Annapolis, Maryland 21401

Re: Support – SB328 - Criminal Law - Stalking - Definition

Dear Chairman Smith:

This letter, written on behalf of the Montgomery County Victim Services Advisory Board (VSAB), serves to support Senate Bill 328, which will alter the definition of stalking to include conduct which occurs in person, through electronic communication, or through the use of a device that can pinpoint or track the location of another without the person's knowledge or consent.

The Montgomery County Victim Services Advisory Board advises the County Council and County Executive on assisting the needs of victims of a broad range of violent crimes, including rape, domestic violence, sexual assault and human trafficking. The number and severity of sexual assault and domestic violence cases referred to the Montgomery County HHS Victim Assistance and Sexual Assault Program and the Abused Persons Program has continued to increase substantially during the pandemic, with more than 1800 requests for help in FY21 and 500 requests already received during the first quarter of FY 22. Victim cases have involved more reports of strangulations as victims – and abusers - have been forced to remain at home during the day because of the pandemic. More than 2,500 domestic violence protective order petitions were filed in Montgomery County District Court in 2021

With the constant evolution of cyber technology and phone applications, laws must change to reflect the advancement in these technologies. Strangers or known abusers may use tracking devices to target and stalk victims and monitor their locations. These tracking devices can be easily installed by anyone with access to a persons' cell phone. There are various "phone finder" apps that allow an individual, or anyone who knows that individuals Apple or Google ID and password, to track the phone while there are also bad actors who may access this information without the use of passwords. Many apps are designed to share a phone's location with friends and family members. Though there are many advantages to using applications to track lost phones, there are also many potential problems. The nefarious use of tracking devices may impact personal safety, leading to tracking, stalking, harassment, abuse, domestic violence, robbery, and sex trafficking. All individuals should have appropriate knowledge or consent when allowing another to use a device or application to pinpoint their location.

VSAB asks the committee to issue a favorable report on Senate Bill 328.

Sincerely,

Neda Bolourian
VSAB Members

Department of Health and Human Services

Stalking - electronic tracking - testimony - senat

Uploaded by: Lisae C Jordan

Position: FAV



Working to end sexual violence in Maryland

P.O. Box 8782
Silver Spring, MD 20907
Phone: 301-565-2277
www.mcasa.org

For more information contact:
Lisae C. Jordan, Esquire

Testimony Supporting Senate Bill 328
Lisae C. Jordan, Executive Director & Counsel
February 8, 2022

The Maryland Coalition Against Sexual Assault (MCASA) is a non-profit membership organization that includes the State's seventeen rape crisis centers, law enforcement, mental health and health care providers, attorneys, educators, survivors of sexual violence and other concerned individuals. MCASA includes the Sexual Assault Legal Institute (SALI), a statewide legal services provider for survivors of sexual assault. MCASA represents the unified voice and combined energy of all of its members working to eliminate sexual violence. We urge the Judicial Proceedings Committee to report favorably on Senate Bill 328.

Senate Bill 328 – Stalking by Electronic Tracking Devices

Senate Bill 328 expands the definition of stalking to include use of a device that can pinpoint or track the location of another without the person's knowledge or consent.

Stalking of the victim by the offender is a frequent precursor of the sexual assault.

Roger, Laura, *Many Sexual Assaults Follow Stalking*, United States Department of Justice Archives (webpage), January 12, 2021. <https://www.justice.gov/archives/ovw/blog/many-sexual-assaults-follow-stalking>

Stalking is also common. About 1 in 6 women and 1 in 17 men have experienced stalking in their lifetimes. <https://www.cdc.gov/injury/features/prevent-stalking/index.html>.

In 2018, 10% of stalking victims reported being monitored with global positioning systems (GPS), and 8% report being monitored through video or digital cameras or listening devices. Stalking Fact Sheet (n.d.). SPARC. Retrieved October 26, 2021, from https://www.stalkingawareness.org/wp-content/uploads/2019/01/SPARC_StalkingFactSheet_2018_FINAL.pdf

Since then, tracking technology has improved, providing stalkers with easy tools to use to find their victims and their whereabouts. Devices like Apple's AirTags are described as a "stalker's dream". <https://www.westernjournal.com/apples-new-airtags-stalkers-dream/>

Sex offenders frequently stalk their victims before and after assaults. SB328 is a needed modernization of Maryland's stalking law.

**The Maryland Coalition Against Sexual Assault urges the
Judicial Proceedings Committee to
report favorably on Senate Bill 328**

SB 328_MNADV_FAV.pdf

Uploaded by: Melanie Shapiro

Position: FAV



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

The Maryland Network Against Domestic Violence (MNADV) is the state domestic violence coalition that brings together victim service providers, allied professionals, and concerned individuals for the common purpose of reducing intimate partner and family violence and its harmful effects on our citizens. **MNADV urges the Senate Judicial Proceedings Committee to issue a favorable report on SB 328.**

SB 328 makes critical updates to Maryland’s stalking laws to expand the definition of stalking to include the use of electronic communications and devices that can be used to identify a person’s location. According to the CDC, 7.5 million people are stalked each year with women ages 18-24 experiencing the highest rate of stalking.¹ Current or former intimate partners are responsible for stalking 61% of female victims and 44% of male victims and 90% of stalking incidents are committed by someone that the victim knows.² In a recent report studying the impact of technology abuse in the context of domestic violence during the pandemic researchers found an increase in every type of tech abuse including harassment and monitoring or surveillance.³ Stalking is often a precursor to femicide. Studies show that 76% of women murdered by an intimate partner were stalked.⁴

Cell phones, GPS tracking, Apple AirTags, spyware, and other forms of technology are all methods that stalkers use. Yet Maryland’s stalking law does not include any of this technology as a form of stalking. It is important that our laws be updated to reflect these terrifying forms of technological stalking that are the forms of stalking reported most frequently by victims of domestic violence in Maryland. Victims seeking safety can be thwarted by a stalker who uses GPS tracking or one of the many ways of tracking on cell phones. Spyware on a computer can let a stalker know his victim’s plans and internet searches.

¹ https://www.cdc.gov/violenceprevention/pdf/nisvs_report2010-a.pdf

² *Id.*

³ https://static1.squarespace.com/static/51dc541ce4b03ebab8c5c88c/t/61674c082419497a370af990/1634159630368/2021_T2E+Needs+Assessment+Report.pdf

⁴ https://assets.speakcdn.com/assets/2497/domestic_violence_and_stalking_ncadv.pdf



Victims of stalking experience higher rates of depression, anxiety, and insomnia. It impacts employment and can force a victim to move to a new location. Victims of stalking contemplate suicide at the rate of 1 in 4.⁵ Stalking is also an indicator of other forms of violence with 81% of women who were stalked by a current or former husband or cohabitating partner also reporting they were physically assaulted by that partner.⁶

SB 328 aligns Maryland law with the more common forms of stalking experienced by victims in this state. The other existing requirements of the law must still be met. For the above stated reasons, the **Maryland Network Against Domestic Violence urges a favorable report on SB 328.**

⁵ *Id.*

⁶ *Id.*

EA Supports SB 328.pdf

Uploaded by: Rebecca Snyder

Position: FAV



To: Judicial Proceedings Committee
From: Rebecca Snyder, Executive Director, Executive Alliance
Date: February 8, 2022
RE: SB 328 - FAVORABLE

Executive Alliance focuses on creating opportunities for professional women in Maryland's boardrooms and executive leadership levels through education, advocacy and mentorship.

We are pleased to support SB 328, which would broaden the definition of stalking to include electronic communication and the use of tracking devices or apps. Stalking inordinately affects women and has a significant economic cost. One in six women are stalked at some point in their lifetimeⁱ. Stalking victims often experience work performance issues, including inability to concentrate, fear of leaving their house, time lost to stalking (phone calls, attending to legal matters and so on), and tension in the workplace if the victim is seen as somehow encouraging or over-reacting to the stalkingⁱⁱ. Analysis of the Supplemental Victimization Survey (conducted in 2006) "found that 40% of stalking victims lost five or more days of work and 14.5% lost more than 25 days of work."ⁱⁱⁱ The long-term effects of stalking are significant and many victims are forced to change their jobs or even careers because of the stalking.^{iv}

A study in the American Journal of Preventative Medicine calculates that on average, a victim of intimate partner violence and stalking will lose \$730 in productivity each year.^v Nearly half of Maryland's workforce is female, estimated at 1,041,872 women^{vi}. Extrapolating those statistics means that over 173,000 women in Maryland will be stalked during their working lifetime, at a cost of nearly \$128 million. Stalking holds women back, decreasing their ability to maintain employment and promote themselves.

It's not just the economic blow of lost productivity that is affected by stalking – there is a tangible threat of violence. Nationally 44% of stalking incidents result in workplace violence (and in medical facilities, this percentage jumps to 67%).^{vii} Maryland workplaces need a broader tool to keep workers safe.

P.O. Box 26224, Baltimore, MD 21210 | (443) 768-3281 | info@executivealliance.org | www.executivealliance.org

We stand for women's leadership.

ADVOCACY • EDUCATION • MENTORSHIP



Electronic stalking, such as tracking locations, emails, social media posts and other forms of electronic communication, tightens the knot around the victim. By broadening the definition of stalking to include electronic communications, women have another important tool to stop their stalker.

Executive Alliance urges a favorable report.

Executive Alliance is a Maryland 501(c)(3) organization focused on bringing women into the C-Suite and the boardroom. We believe that gender and racial equity is critical to building diverse organizations, and that change starts at the top. Executive Alliance tracks the representation of women (including women of color) at publicly-traded companies headquartered in Maryland. Representation of women and people of color lag behind national averages. Maryland can and should do better. In Executive Alliance's latest annual Census Report (see the report, released in June at <https://executivealliance.org/wp-content/uploads/2021/07/EA-Honor-Roll-publication-2021-final-for-web.pdf>), we reported that women hold 22% of Maryland public company board seats, in contrast with 28% women in the S&P 500. The news is even worse for women of color. In Maryland, women of color hold 3.4% of public company board seats. In the Fortune 500, women of color hold 4.6% of board seats. Maryland still has seven publicly-traded companies with NO women directors.

ⁱ Breiding et al, 2014. Prevalence and Characteristics of Sexual Violence, Stalking, and Intimate Partner Violence Victimization – National Intimate Partner and Sexual Violence Survey.

<https://www.cdc.gov/mmwr/pdf/ss/ss6308.pdf>

ⁱⁱ Stalking Risk Profile, <https://www.stalkingriskprofile.com/victim-support/stalking-in-the-workplace>

ⁱⁱⁱ "Intersections of Stalking and Economic Security," Institute for Women's Policy Research, January 2017.

^{iv} Korkodeilou, Jenny. 2016. "'No Place to Hide' Stalking Victimization and its Psycho-Social Effects." International Review of Victimology, August 2016.

^v "Short-term Lost Productivity per Victim: Intimate Partner Violence, Sexual Violence, or Stalking, published May 15, 2018. [https://www.ajponline.org/article/S0749-3797\(18\)31634-9/fulltext](https://www.ajponline.org/article/S0749-3797(18)31634-9/fulltext)

^{vi} Maryland Women: A Status Report, April 2021, page 11. https://dhs.maryland.gov/documents/MD-Women-A-Status-Report_FIN-2.pdf

^{vii} Journal of the Kentucky Medical Association, 1997.

<https://archive.org/details/journalofkentuck95unse/page/n193/mode/2up>

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SB328 Support BJC Criminal Law stalking .pdf

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Suburban Orthodox Congregation
Temple Beth Shalom
Temple Isaiah
Zionist Organization of America
 Baltimore District



WRITTEN TESTIMONY

Senate Bill 328 - Criminal Law – Stalking- Definition

Judicial Proceedings Committee – February 8, 2022

SUPPORT

Background: Senate Bill 328 (SB328) would modernize the definition of stalking to include electronic communications as defined in § 3–805 as well as devices that can track someone's location without their knowledge or consent. With the ever-expanding use of electronic devices for communication and tracking, it has become more difficult for victims of stalking to escape the harmful reach of their perpetrators. SB328 simply expands the definition of stalking to include the current reality that stalking does not require a physical presence.

Written Comments: The Baltimore Jewish Council advocates on behalf of CHANA, an agency of the Associated Jewish Federation of Baltimore. For over 20 years, CHANA has provided crisis intervention to victims of physical, financial, technological and emotional abuse in the greater Baltimore area. The rapid increase in electronic communication and tracking devices as a means to stalk victims has made it extremely difficult to provide relief to these clients under current law. Stalking is often used in conjunction with the types of abuse, intimidating and isolating victims as a part of a dangerous power dynamic. Since electronic communication has no physical boundaries, this not only affects the home lives of victims but their productivity and attendance in the workplace as well. A change in the law through SB328 would allow victims the necessary relief they require to live their lives free from fear and intimidation.

With this in mind, the Baltimore Jewish Council urges a favorable report on SB328.

The Baltimore Jewish Council, a coalition of central Maryland Jewish organizations and congregations, advocates at all levels of government, on a variety of social welfare, economic and religious concerns, to protect and promote the interests of The Associated: Jewish Community Federation of Baltimore, its agencies and the Greater Baltimore Jewish community.

BALTIMORE JEWISH COUNCIL

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Member of the Jewish Council for Public Affairs

Baltimore Jewish Council is an agency of The Associated



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Mid Atlantic P.A.N.D.A. Coalition

5900 Abriana Way, Elkridge, Maryland 21075

From: Mid Atlantic P.A.N.D.A. Coalition

To: Chairman William Smith Jr.

Re: SB 328 Criminal Law – Stalking - Definitions

Date: January 21, 2022

Dear: Chairman Smith,

The Mid-Atlantic P.A.N.D.A. is in Favor of SB 328

We represent the Mid Atlantic P.A.N.D.A. Coalition (Prevent Abuse and Neglect through Dental Awareness). We were established in 2000, our mission is “To create an atmosphere of understanding in dentistry and other professional communities which will result in the prevention of abuse and neglect through early identification and appropriate intervention for those who have been abused or neglected.” Dentists and Dental Hygienists (Dental Professionals) are mandated by the State of Maryland to report suspected cases of abuse and neglect. Our coalition has established a Continuing Education (CE) course that educates Dental Professionals and others how to recognize, report, or refer. The Maryland State Board of Dental Examiners has deemed this course as a mandatory CE requirement for Dentists and Hygienists to renew their licenses. We also address domestic violence, elder abuse, human trafficking and bullying in our CE course.

It is imperative that we update our definitions to reflect the times in which we live. We have entered the age of electronics and we must include these devices in our laws. We must not allow anyone to track people and pinpoint their whereabouts without that person’s consent. The original intent of this bill is not being altered; we are just bringing it up to date by adding electronics devices.

Thank you for your consideration of SB 328 and we ask for a favorable report.

Respectfully submitted,

Mid-Atlantic P.A.N.D.A. Coalition

Carol Caiazzo, RDH President

Susan Camardese, RDH, MS, Vice President