



---

**Working to end sexual violence in Maryland**

P.O. Box 8782  
Silver Spring, MD 20907  
Phone: 301-565-2277  
Fax: 301-565-3619

For more information contact:  
Lisae C. Jordan, Esquire  
443-995-5544  
www.mcasa.org

**Testimony Supporting House Bill 745**  
**Lisae C. Jordan, Executive Director & Counsel**  
April 2, 2024

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 House Bill 745.

**House Bill 745      Expanding Availability of Permanent Protective Orders and Protections for Victims of Stalking**

Survivors of sexual assault are often stalked before or after the assault. This bill would expand the availability of protective orders to all victims of stalking and would permit the court to issue a permanent protective order to victim-survivors if the respondent has been criminally convicted of an act of abuse.

**Protective orders are currently available to stalking victims who had a “sexual relationship” with the stalker within the past year, but not to victims of more persistent former dating partners.** The protective order is available to people stalked by someone they were married to or have children with – even if the relationship was decades ago. Protective orders are also available to people stalked by someone they had a sexual relationship with in the past 12 months. Fam.Law §4-501(m)(7). If, however, a stalker and victim had a sexual relationship and were never married and do not have children together, then the victim loses access to protective orders after 12 months from the date of the sexual relationship. Additionally, the “sexual relationship” requirement means that people who refused romantic overtures and are then stalked by the spurned suitor NEVER have access to the protective order. Peace orders, as discussed below, are an inadequate substitute.

**HB745 seeks to expand protective orders to all victims of stalking, including those who were intimate with a stalker over one year ago or who were never intimate with the stalker.**

- Nearly half of victims stalked by an acquaintance were sexually assaulted by their stalker.<sup>1</sup>
- 48% of sexual assault survivors (ages 18-24) also experienced stalking.<sup>2</sup>
- 1 in 10 stalkers, who had no prior relationship, if they make a threat, they will act on it.<sup>3</sup>
- According to the 2018 Department of Defense (DoD) Annual Report on Sexual Assault in the Military, **22% of women and 23% of men experienced stalking either before or after a sexual assault incident.**<sup>4</sup>
  - **Among women who reported experiencing military sexual assault, 71.1% also reported experiences of stalking. This was more than double the rate of stalking reported by women who did not report experiencing military sexual assault.**<sup>5</sup>
- According to the Department of Defense’s 2021 Overview Report of Workplace and Gender Relations Survey of Military Members, **40% of women and 29% of men reported being sexually harassed and/or stalked (18% and 11%) by the same alleged offender before the unwanted sexual contact occurred.**<sup>6</sup>
  - Of the women and men who reported being sexually harassed by the same alleged offender, 87% of the women and 77% of the men reported experiencing the following harassing behaviors: repeated attempts to establish a relationship, sexual comments about their body, or repeatedly asking about their sex life.<sup>7</sup>
  - **Of the women who reported being sexually harassed by the same alleged offender, 74% reported they had been followed by the alleged offender and 73% reported that the alleged offender used social media to track them (DoD, 2021, p. 27, as cited in Schulyer et al., 2020).**
- **Stalking of the victim by the offender is a frequent precursor of the sexual assault.**<sup>8</sup>

<sup>1</sup> Logan, T., & Landhuis, J. (2023). “Everyone Saw Me Differently Like It Was My Fault or I Wanted It”: Acquaintance Stalking Victim Experiences of Sexual Assault, Sexual Harassment, and Sexual Autonomy. *Journal of Interpersonal Violence*, 38(13-14), 8187-8186. <https://doi.org/10.1177/08862605231153892>

<sup>2</sup> Brady, P.Q., & Woodward Griffin, V. (2019). *The Intersection of Stalking and Sexual Assault Among Emerging Adults: Unpublished Preliminary Results. mTurk Findings*, 2018.

<sup>3</sup> MacKenzie, R., McEwan, T. E., Pathe, M., James, D. V., Ogloff, J. R., & Mullen, P. E. (2009). *Stalking Risk Profile : Guidelines for the Assessment and Management of Stalkers*. (1st ed.) Monash University. (found via <https://saferfutures.org.uk/resources/stalking>)

<sup>4</sup> Kintzle, S., Schulyer, A. C., Alday-Mejia, E., & Castro, C. A. (2019). The continuum of sexual trauma: An examination of stalking and sexual assault in former US service members. *Military Psychology*, 474-480. DOI: 10.1080/08995605.2019.1664367

<sup>5</sup> Kintzle, S., Schulyer, A. C., Alday-Mejia, E., & Castro, C. A. (2019). The continuum of sexual trauma: An examination of stalking and sexual assault in former US service members. *Military Psychology*, 474-480. DOI: 10.1080/08995605.2019.1664367

<sup>6</sup> Department of Defense (DoD). (2021). *2021 Workplace and Gender Relations Survey of military members*. Office of People Analytics. <https://apps.dtic.mil/sti/trecms/pdf/AD1178339.pdf>

<sup>7</sup> Department of Defense (DoD). (2021). *2021 Workplace and Gender Relations Survey of military members*. Office of People Analytics. <https://apps.dtic.mil/sti/trecms/pdf/AD1178339.pdf>

<sup>8</sup> 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>

**Protective orders provide the first line of defense to many victims of power-based personal violence. While the majority of these fall into the category of intimate partner violence, not all protective orders are issued to intimate partners.** Protective orders are also available to survivors of sexual assault – including rape by assailants who are not partners – victims of child abuse, and in some elder abuse cases (including cases involving strangers).

**Expanding protective orders to stalking victims would parallel the protection that victim/survivors of sexual assault are provided with.** The majority of victims of stalking involve assailants who either wish to have an intimate relationship with the petitioner or were previously in an intimate relationship with the petitioner. MCASA supports expanding the protective order statute to include all stalking victims as a reasonable and appropriate approach. We note that the U.S. Department of Justice’s Office of Violence Against Women routinely includes victims of stalking in its work and views the issues of domestic violence, sexual assault, and stalking as intertwined.

**Protective orders are stronger and more accessible than peace orders.**

Protective Orders	Peace Orders
Catch all provision available This allows order to be tailored and is vital to stalking victims	No catch all provision
No filing fees or costs on petitioner per statute Respondent can be ordered to pay	Filing fees imposed on petitioner Court can reallocate
Abuse can have happened at any point	Abuse must have happened in 30 days
Firearms can be removed at temporary order phase and are removed if final order issued	No ability to remove firearms
Remote filing	No remote filing
Remedies only available if applicable to situation (for example, only parties with children in common can have order re: custody)	
One year order with ability to extend to 18 months. Two year order available in some cases	6 month order with ability to extend to one year
Permanent order available – AND WILL EXPAND UNDER HB475	No permanent PO available
Can file in District or circuit court	District Court filing only

**Permanent Protective Orders.** One of the strongest elements of HB745 is increased availability of permanent protective orders. MCASA and its member programs occasionally help survivors who are able to receive a permanent order. The relief they feel because of the order and because they do not have to repeatedly return to court is immense. Unfortunately, many survivors of abuse do not have access to these orders because so few cases result in a sentence of at least 5 years of imprisonment. HB745 corrects this by expanding the availability of permanent orders to any case involving a respondent convicted of abuse of the person eligible for relief. We note that some have suggested that the Committee may wish to change “shall” issue a permanent protective order to “may” issue an order to allow for the wide variety of facts presented in court. MCASA would support the bill with or without this change.

**Technical Amendment.** We have been advised by members of the Judiciary that if all stalking cases are added to the protective order statute, then stalking should be removed from the peace order statute, and MCASA concurs with this suggestion.

MCASA notes that if the Committee chooses to limit the expansion of the protective order to cases where the stalker seeks or has had a sexual relationship with the person eligible for relief, then it would be appropriate to keep stalking in both sections of the code.

**The Maryland Coalition Against Sexual Assault urges the  
Judicial Proceedings Committee to  
report favorably on House Bill 745**