



BILL NO: House Bill 941
TITLE: Criminal Law – Threats and Stalking - Recklessness
COMMITTEE: Judiciary
HEARING DATE: February 22, 2024
POSITION: **INFORMATION**

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 provides this INFORMATION to the House Judiciary Committee on HB 941.**

Victims of domestic violence are often victims of stalking. Stalking increases the risk of domestic violence homicide, and the risk of physical violence increases when a victim is stalked.¹ The Supreme Court of the United States decided the case of *Counterman v. Colorado* in June 2023 which focused on the constitutionality of stalking statutes. Upon careful review of the court decision, MNADV believes Maryland’s stalking statute meets the constitutionality standards outlined in the Supreme Court decision which held that the minimum level of intent to prove stalking is “recklessness.” The type of stalking addressed in the *Counterman* case focused on the First Amendment, speech, and threats made to the victim over 6 years. Stalking presents in many forms including threats, tracking using technology, following a victim and numerous other criminal methods.

MNADV believes that Maryland’s current stalking statute is Constitutional under the *Counterman v. Colorado* decision.

For the above stated reasons, the **Maryland Network Against Domestic Violence provides this INFORMATION on HB 941**

¹ <https://www.stalkingawareness.org/wp-content/uploads/2018/11/Stalking-IPV-Fact-Sheet.pdf>

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