

HB745
Judiciary - Family Law - Protective Orders - Crimes of Violence and Stalking
Testimony in SUPPORT
Rolande Lewis, M. A.
Director of Training and Education
Just Stalking: Maryland Resources

Chair Clippinger, Vice-Chair Bartlett, and members of the House Judiciary Committee, thank you for the opportunity to provide testimony in support of House Bill 745, which will expand protections available to victims of stalking. I am writing in my capacity as a board member, and a member of the Diversity Committee of Just Stalking: Maryland Resources.

There remains an inequity between peace and protective orders broken down by stalking-victim-type, as to whether they have a personal, familial, or past sexual or romantic relationship with the stalker within the last 12 months. Essentially, this law is designed to protect a person who recently ended a relationship, or the victim has had attempted, completed, sexual assault, or rape. Furthermore, they are only eligible initially for a protective order for 12 months, despite research suggesting the average duration of stalking persists for two years.

Victims of stalking, **ALL** victims of stalking, need protection. There are numerous typologies including: ex-intimates, estranged family or friends, casual acquaintances, professional *or* workplace contacts, strangers, public figures, secondary victims, etc. Not all will seek to do physical harm. Some won't harm the primary target of their stalking, but may very well harm family members and friends, new partners, coworkers, even law enforcement. There are many stalking motivations: rejected, intimacy-seeking, resentful, incompetent suitor, and predatory. This information informs stalking behavior and often the trajectory of violence. While violence often gets the most attention, different behaviors have been categorized into eight (8) different stalking clusters: invasion behaviors, hyper-intimacy, interactional, harassment and intimidation, mediated (electronic) contact, surveillance, coercion and threats, physical aggression and violence (Spitzberg & Cupach, 2014). Typology and motivation also inform persistence. Stalkers who stalk for two weeks/14 days or more are more likely to stalk for six to twelve months with an average of 20 intrusions (Purcell, 2004).

With the focus on the victim's assumed sexual relationship to the stalker, the victim can be questioned in public about their sexual history, ignoring the basic issues of consent *and* privacy, which can be very traumatizing. It can also be very traumatizing for any victim who does not want to disclose their personal life or past sexual preference history or other pertinent issues publicly in a room full of strangers, when the pertinent issues are about violations of space and consent of contact in public. As currently written, a stalking victim can only apply for a protective order if they had sex with the stalker, or have had a physical assault, or attempted assault. If they did not have sex with the stalker, they can only apply for a peace order and become a lower priority for protection. Stalking victims who are stalked by strangers or by those they encounter while working, in their religious institutions, neighborhood contexts, etc., have very few protections. Stalkers as a whole of engaging in violence at a rate of 18% (McEwan, et al., 2017). However, literature suggesting predatory motivation stalkers, who are often strangers, are more frequently violent 21.1%.

Stalkers intentionally or unintentionally damage the lives of primary and **secondary** victims. Disruptions in the lives of family, friends, and co-workers, bringing fear and anxiety should not be overlooked. About twenty-five years ago, killing ten, reportedly injuring at least three, in Maryland and elsewhere were secondary victims as the “DC Sniper” struck in multiple locations, seemingly at random. We would learn later that it was his ex-wife that was his *primary* victim. Recently, a Montgomery County man was murdered by his girlfriend’s ex-boyfriend. This “ex” had allegedly **stalked** his onetime girlfriend utilizing electronic means, a mediated contact. While this secondary victim might have been eligible for a Peace Order, he would not have been eligible for a Protective Order, *as he had no sexual history with the assailant*. “One study from 2005 suggested that secondary-partner-victims of stalking victims were pursued often, and accounted for 3% of the total victim population” another study finding violence toward secondary victims in 6% of cases (Just Stalking: MD Resources, 2024; McEwan, et al., 2017).

Stalkers can also impact primary and secondary victims with words, using slander and libel to destroy reputations, affect employment, cause family strains and damage to children. Even when stalking appears to cease for six months or longer, they are 38% more likely to begin stalking again (McEwan, et al., 2017). This is a phenomenon known as recurrence, which similarly to persistence, has relevance for acquiring **permanent** Peace or Protective Orders. However, currently, the limitations on stalking time periods often imposed by the legal system for obtaining Peace or Protective Orders do not match with the well documented, scientific data.

HB745 will expand protections for the stalking victims who currently only receive limited protections. On behalf of stalking victims across the state, I respectfully request a favorable report on HB745.

References

McEwan, T. E., Daffern, M., MacKenzie, R. D., & Ogloff, J. R. P. (2017). Risk factors for stalking violence, persistence, and recurrence, *The Journal of Forensic Psychiatry & Psychology*, 28(1), 38-56, <https://doi.org/10.1080/14789949.2016.1247188>

Purcell, R., Pathe, M., & Mullen, P. E. (2004). When do repeated intrusions become stalking? *Journal of Forensic Psychiatry and Psychology*, 15(4), 571 - 583. <https://doi.org/10.1080/14789940412331313368>

Spitzberg B. H. & Cupach, W. (2014). *The Dark Side of Relationship Pursuit from Attraction to Obsession and Stalking*, 2nd edition. (New York: Routledge). <https://doi.org/10.4324/9780203805916>

Victim classification. (2023). *Just Stalking: Resources, Inc.* <https://juststalkingmdresources.org>