

BY: Judicial Proceedings Committee

AMENDMENTS TO HOUSE BILL NO. 593

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 3, strike “clarifying” and substitute “repealing”; in line 4, strike “modifying a certain defined term;” and substitute “excluding certain lawful activities from a certain crime;”; and in line 8, after “offenses;” insert “establishing that the crime of stalking is a felony; giving the District Court and circuit court concurrent jurisdiction to try stalking cases; modifying a certain defined term;”.

AMENDMENT NO. 2

On page 1, after line 16, insert:

“BY repealing and reenacting, with amendments,

Article - Courts and Judicial Proceedings

Section 4-301(b)(17) and (18) and 4-302(d)(1)

Annotated Code of Maryland

(2002 Replacement Volume)”

BY adding to

Article - Courts and Judicial Proceedings

Section 4-301(b)(19)

Annotated Code of Maryland

(2002 Replacement Volume)”.

AMENDMENT NO. 3

On pages 2 and 3, strike in their entirety the lines beginning with line 13 on page 2 through line 6 on page 3, inclusive, and substitute:

“(a) (1) In this section, “stalking” means a malicious course of conduct that includes

(Over)

approaching or pursuing another [with the intent to place that individual] WHERE THE PERSON KNOWS OR REASONABLY SHOULD HAVE KNOWN THE CONDUCT WOULD PLACE ANOTHER in reasonable fear:

- [(1)] (I) 1. of serious bodily [injury] HARM;
- 2. OF AN ASSAULT IN ANY DEGREE;
- 3. OF A RAPE OR SEXUAL OFFENSE AS DEFINED BY §§ 3-303 THROUGH 3-308 OF THIS ARTICLE OR ATTEMPTED RAPE OR SEXUAL OFFENSE IN ANY DEGREE;
- 4. OF FALSE IMPRISONMENT; or
- 5. OF death; or

[(2)] (II) that a third person likely will suffer [serious bodily injury or death] ANY OF THE ACTS LISTED IN ITEM (I) OF THIS PARAGRAPH.

(2) “STALKING” DOES NOT INCLUDE ANY LAWFUL COMMERCIAL OR EMPLOYMENT ACTIVITY OR ANY OTHER LAWFUL ACTIVITY THAT IS AUTHORIZED, REQUIRED, OR PROTECTED UNDER FEDERAL LAW OR THE LAWS OF ANY STATE OR POLITICAL SUBDIVISION.

(b) A person may not engage in stalking.

(c) A person who violates this section is guilty of a [misdemeanor] FELONY and on conviction is subject to imprisonment not exceeding 5 years or a fine not exceeding \$5,000 or both.

(d) A sentence imposed under this section may be separate from and consecutive to or concurrent with a sentence for any other crime based on the acts establishing a violation of this section.

4-301.

(b) Except as provided in § 4-302 of this subtitle, the District Court also has exclusive original jurisdiction in a criminal case in which a person at least 18 years old or a corporation is charged with:

(17) Violation of § 20-102 of the Transportation Article, whether a felony or misdemeanor; [or]

(18) Violation of § 8-801 of the Criminal Law Article; OR

(19) VIOLATION OF § 3-802 OF THE CRIMINAL LAW ARTICLE.

4-302.

(d) (1) Except as provided in paragraph (2) of this subsection, the jurisdiction of the District Court is concurrent with that of the circuit court in a criminal case:

(i) In which the penalty may be confinement for 3 years or more or a fine of \$2,500 or more; or

(ii) Which is a felony, as provided in § 4-301(b)(2), (6), (7), (8), (9), (10), (11), (12), (13), (14), (15), (16), (17), [and] (18), AND (19) of this subtitle.”