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By: **Delegates Petzold, Barkley, Barve, Benson, Bobo, Boschert, Bronrott, Cadden, Carter, V. Clagett, Conroy, Cryor, Doory, Dumais, Eckardt, Elliott, Feldman, Frush, Gaines, Goldwater, Gutierrez, Healey, Heller, Howard, Hubbard, Hurson, Hutchins, Jameson, Jones, Kaiser, King, Kirk, Love, Madaleno, Mandel, McIntosh, Menes, Moe, Montgomery, Murray, Nathan-Pulliam, Parker, Pendergrass, Proctor, Quinter, Ross, Rudolph, Shank, Simmons, Sophocleus, Stern, Taylor, F. Turner, V. Turner, and Zirkin**

Introduced and read first time: February 6, 2003  
Assigned to: Judiciary

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Committee Report: Favorable with amendments  
House action: Adopted  
Read second time: March 21, 2003

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CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Criminal Law - Stalking - Included Acts**

3 FOR the purpose of ~~repealing~~ clarifying a certain intent element in the crime of  
4 stalking; modifying a certain defined term; requiring that a certain person know  
5 or reasonably should have known that certain conduct would place another in  
6 reasonable fear of serious bodily injury, death, or of certain offenses being  
7 committed under certain circumstances, or that a third person is likely to suffer  
8 serious bodily injury, death, or certain offenses; ~~establishing that the crime of~~  
9 ~~stalking is a felony; giving the District Court and circuit court concurrent~~  
10 ~~jurisdiction to try stalking cases; and generally relating to the definition of the~~  
11 crime of stalking.

12 BY repealing and reenacting, with amendments,  
13 Article - Criminal Law  
14 Section 3-802  
15 Annotated Code of Maryland  
16 (2002 Volume)

17 ~~BY repealing and reenacting, with amendments,~~  
18 ~~Article - Courts and Judicial Proceedings~~

1 ~~Section 4-301(b)(17) and (18) and 4-302(d)(1)~~  
 2 ~~Annotated Code of Maryland~~  
 3 ~~(2002 Replacement Volume)~~

4 ~~BY adding to~~  
 5 ~~Article— Courts and Judicial Proceedings~~  
 6 ~~Section 4-301(b)(19)~~  
 7 ~~Annotated Code of Maryland~~  
 8 ~~(2002 Replacement Volume)~~

9 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
 10 MARYLAND, That the Laws of Maryland read as follows:

11 **Article - Criminal Law**

12 3-802.

13 (a) In this section, "stalking" means a malicious course of conduct that  
 14 includes approaching or pursuing another [with the intent to place that individual]  
 15 WHERE THE PERSON INTENDS TO PLACE OR KNOWS OR REASONABLY SHOULD HAVE  
 16 KNOWN THE CONDUCT WOULD PLACE ANOTHER in reasonable fear OF:

17 (1) (I) [of] serious bodily ~~injury~~ **HARM**;

18 (II) AN ASSAULT IN ANY DEGREE;

19 (III) RAPE OR SEXUAL OFFENSE AS DEFINED BY §§ 3-303 THROUGH  
 20 3-308 OF THIS ARTICLE OR ATTEMPTED RAPE OR SEXUAL OFFENSE IN ANY DEGREE;

21 (IV) FALSE IMPRISONMENT; or

22 (V) death; or

23 (2) that a third person likely will suffer [serious bodily injury or death]  
 24 ANY OF THE ACTS LISTED IN PARAGRAPH (1) OF THIS SUBSECTION.

25 (B) THE PROVISIONS OF THIS SECTION DO NOT APPLY TO CONDUCT THAT IS:

26 (1) PERFORMED TO ENSURE COMPLIANCE WITH A COURT ORDER;

27 (2) PERFORMED TO CARRY OUT A SPECIFIC LAWFUL COMMERCIAL  
 28 PURPOSE; OR

29 (3) IS AUTHORIZED, REQUIRED, OR PROTECTED BY STATE OR FEDERAL  
 30 LAW.

31 ~~(b)~~ (C) A person may not engage in stalking.

1 ~~(e)~~ (D) A person who violates this section is guilty of a {misdemeanor}  
 2 ~~FELONY~~ and on conviction is subject to imprisonment not exceeding 5 years or a fine  
 3 not exceeding \$5,000 or both.

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

7 ~~Article—Courts and Judicial Proceedings~~

8 ~~4-301.~~

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

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

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

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

16 ~~4-302.~~

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

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

22 ~~(ii) Which is a felony, as provided in § 4-301(b)(2), (6), (7), (8), (9),~~  
 23 ~~(10), (11), (12), (13), (14), (15), (16), (17), [and] (18), AND (19) of this subtitle.~~

24 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take  
 25 effect October 1, 2003.