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15

Section 3-802

2003 Regular Session (3lr1024)

ENROLLED BILL

-- Judicial Proceedings/Judiciary --

Introduced by Senators Green, Jacobs, Conway, Dyson, Forehand, Grosfeld, Haines, Jimeno, Kelley, Kramer, and Lawlah Lawlah, and Garagiola

	Read and Examined by Proofreaders:	
		Proofreader.
Seale	ed with the Great Seal and presented to the Governor, for his approval thisday of at o'clock,M.	Proofreader.
		President.
	CHAPTER	
1 A	AN ACT concerning	
2	Criminal Law - Stalking - Included Acts	
3 F	FOR the purpose of repealing clarifying a certain intent element in the crime of	
4	stalking; modifying a certain defined term; excluding certain lawful activities	
5	from a certain crime; modifying a certain defined term; requiring that a certain	
6	person know or reasonably should have known that certain conduct would place	
7	another in reasonable fear of serious bodily injury, death, or of certain offenses	
8	being committed under certain circumstances, or that a third person is likely to	
9	suffer serious bodily injury, death, or certain offenses; establishing that the	
10	crime of stalking is a felony; giving the District Court and circuit court	
11	concurrent jurisdiction to try stalking cases; modifying a certain defined term;	
12	and generally relating to the definition of the crime of stalking.	
13	BY repealing and reenacting, with amendments,	
14	Article - Criminal Law	

31

(V)

death; or

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1
       Annotated Code of Maryland
2
       (2002 Volume)
3 BY repealing and reenacting, with amendments,
       Article Courts and Judicial Proceedings
4
5
       Section 4 301(b)(17) and (18) and 4 302(d)(1)
       Annotated Code of Maryland
6
7
       (2002 Replacement Volume)
8 BY adding to
       Article - Courts and Judicial Proceedings
9
       Section 4 301(b)(19)
10
       Annotated Code of Maryland
11
       (2002 Replacement Volume)
12
13
       SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
14 MARYLAND, That the Laws of Maryland read as follows:
15
                                         Article - Criminal Law
16 3-802.
17
       (a)
                        In this section, "stalking" means a malicious course of conduct that
               (1)
   includes approaching or pursuing another [with the intent to place that individual]
19 WHERE THE PERSON <u>INTENDS TO PLACE OR</u> KNOWS OR REASONABLY SHOULD HAVE
20 KNOWN THE CONDUCT WOULD PLACE ANOTHER in reasonable fear OF OF:
21
               <del>(1)</del>
                        <del>(I)</del>
                                <del>1.</del>
                                         [of] serious bodily [injury] HARM;
22
               (1)
                        (I)
                                [of] serious bodily injury;
23
                        (II)
                                <del>2.</del>
                                         <del>OF</del>
24
                                AN ASSAULT IN ANY DEGREE;
                        (II)
25
                        (III)
                                3.
                                         OF A
                                RAPE OR SEXUAL OFFENSE AS DEFINED BY §§ 3-303 THROUGH
                        (III)
27 3-308 OF THIS ARTICLE OR ATTEMPTED RAPE OR SEXUAL OFFENSE IN ANY DEGREE;
                        (IV)
28
                                <u>4.</u>
                                         <del>OF</del>
                                FALSE IMPRISONMENT; or
29
                        (IV)
30
                        <del>(V)</del>
                                <u>5.</u>
                                         <del>OF</del>
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			(II) (2) HE ACTS LIST PH (1) OF THI	ED IN PARA	GRAPH (1)			oodily injury ON <u>ITEM (I)</u>
6		OR PRO	"STALKING" FIVITY OR AN OTECTED UNI /ISION.	Y OTHER L	AWFUL AC	CTIVITY T	HAT IS AU	JTHORIZED,
8	<u>(B)</u>	THE PR	OVISIONS OF	THIS SECTION	ON DO NOT	APPLY TO	CONDUC	CT THAT IS:
9		<u>(1)</u>	<u>PERFORMED</u>	TO ENSURE	E COMPLIA	NCE WITH	A COURT	ORDER;
10 11	PURPOSE;	(2) OR	<u>PERFORMED</u>	TO CARRY	OUT A SPEC	CIFIC LAW	FUL COM	<u>MERCIAL</u>
12 13	OR FEDERA	(3) AL LAW.	<u>AUTHORIZED</u>), REQUIREI	O, OR PROT	ECTED BY	STATE LO	OCAL, STATE,
14	(b)	<u>(C)</u>	A person may	not engage in	stalking.			
	(e) FELONY ar not exceeding		A person who viction is subject or both.					
			A sentence impourrent with a son of this section	entence for a				nd
21			Artic	l e - Courts a i	nd Judicial	Proceeding	s	
22	4-301.							
		iginal jur	ns provided in § isdiction in a cr s charged with:)
26 27	or misdemea	(17) nor; [or]	Violation of §	2 0-102 of the	Transportat	ion Article,	whether a	felony
28		(18)	Violation of §	8 801 of the (Criminal Lav	v Article; O	R	
29		(19)	VIOLATION (OF § 3-802 O	F THE CRI	MINAL LA	W ARTIC	LE.
30	4-302.							
		of the Dis	Except as provestrict Court is ex					

- 1 (i) In which the penalty may be confinement for 3 years or more or 2 a fine of \$2,500 or more; or
- 3 (ii) Which is a felony, as provided in § 4-301(b)(2), (6), (7), (8), (9), 4 (10), (11), (12), (13), (14), (15), (16), (17), [and] (18), AND (19) of this subtitle.
- 5 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take 6 effect October 1, 2003.