

SENATE BILL 352

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2003 Regular Session
3r1024
CF 3r1345

By: **Senators Green, Jacobs, Conway, Dyson, Forehand, Grosfeld, Haines,
Jimeno, Kelley, Kramer, and Lawlah**

Introduced and read first time: January 31, 2003

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

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

3 FOR the purpose of repealing a certain intent element in the crime of stalking;
4 modifying a certain defined term; requiring that a certain person know or
5 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
19 Section 4-301(b)(17) and (18) and 4-302(d)(1)
20 Annotated Code of Maryland
21 (2002 Replacement Volume)

22 BY adding to
23 Article - Courts and Judicial Proceedings
24 Section 4-301(b)(19)
25 Annotated Code of Maryland
26 (2002 Replacement Volume)

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

1

Article - Criminal Law

2 3-802.

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

7 (1) (I) [of] serious bodily [injury] HARM;

8 (II) AN ASSAULT IN ANY DEGREE;

9 (III) RAPE OR SEXUAL OFFENSE AS DEFINED BY §§ 3-303 THROUGH
 10 3-308 OF THIS ARTICLE OR ATTEMPTED RAPE OR SEXUAL OFFENSE IN ANY DEGREE;

11 (IV) FALSE IMPRISONMENT; or

12 (V) death; or

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

15 (b) A person may not engage in stalking.

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

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

22

Article - Courts and Judicial Proceedings

23 4-301.

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

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

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

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

1 4-302.

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

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

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

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