

SENATE BILL 352

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2003 Regular Session  
3r1024  
CF 3r1345

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

Introduced and read first time: January 31, 2003

Assigned to: Judicial Proceedings

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Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 24, 2003

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CHAPTER \_\_\_\_\_

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

13 BY repealing and reenacting, with amendments,  
14 Article - Criminal Law  
15 Section 3-802  
16 Annotated Code of Maryland  
17 (2002 Volume)

18 BY repealing and reenacting, with amendments,  
19 Article - Courts and Judicial Proceedings  
20 Section 4-301(b)(17) and (18) and 4-302(d)(1)  
21 Annotated Code of Maryland  
22 (2002 Replacement Volume)

23 BY adding to

1 Article - Courts and Judicial Proceedings  
 2 Section 4-301(b)(19)  
 3 Annotated Code of Maryland  
 4 (2002 Replacement Volume)

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

7 **Article - Criminal Law**

8 3-802.

9 (a) (1) In this section, "stalking" means a malicious course of conduct that  
 10 includes approaching or pursuing another [with the intent to place that individual]  
 11 WHERE THE PERSON KNOWS OR REASONABLY SHOULD HAVE KNOWN THE CONDUCT  
 12 WOULD PLACE ANOTHER in reasonable fear ~~OF~~:

13 ~~(A)~~ (I) 1. ~~{of}~~ serious bodily [injury] HARM;

14 ~~(B)~~ 2. OF AN ASSAULT IN ANY DEGREE;

15 ~~(C)~~ 3. OF A RAPE OR SEXUAL OFFENSE AS DEFINED BY §§ 3-303  
 16 THROUGH 3-308 OF THIS ARTICLE OR ATTEMPTED RAPE OR SEXUAL OFFENSE IN ANY  
 17 DEGREE;

18 ~~(D)~~ 4. OF FALSE IMPRISONMENT; or

19 ~~(E)~~ 5. OF death; or

20 ~~(2)~~ (II) that a third person likely will suffer [serious bodily injury or  
 21 death] ANY OF THE ACTS LISTED IN ~~PARAGRAPH (1) OF THIS SUBSECTION~~ ITEM (I) OF  
 22 THIS PARAGRAPH.

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

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

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

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

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**Article - Courts and Judicial Proceedings**

2 4-301.

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

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

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

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

10 4-302.

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

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

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

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