

HOUSE BILL 68

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2004 Regular Session
4r0386

(PRE-FILED)

By: **Delegate Lee**

Requested: August 6, 2003

Introduced and read first time: January 14, 2004

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

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

3 FOR the purpose of repealing a certain element of the crime of stalking that requires
4 approaching or pursuing another; modifying a certain definition; and generally
5 relating to the definition of the crime of stalking.

6 BY repealing and reenacting, without amendments,
7 Article - Criminal Law
8 Section 3-801
9 Annotated Code of Maryland
10 (2002 Volume and 2003 Supplement)

11 BY repealing and reenacting, with amendments,
12 Article - Criminal Law
13 Section 3-802
14 Annotated Code of Maryland
15 (2002 Volume and 2003 Supplement)

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

18 **Article - Criminal Law**

19 3-801.

20 In this subtitle, "course of conduct" means a persistent pattern of conduct,
21 composed of a series of acts over time, that shows a continuity of purpose.

22 3-802.

23 (a) In this section, "stalking" means a malicious course of conduct [that
24 includes approaching or pursuing another] where the person intends to place or
25 knows or reasonably should have known the conduct would place another in
26 reasonable fear [of]:

- 1 (1) OF:
- 2 (i) serious bodily injury;
- 3 (ii) an assault in any degree;
- 4 (iii) rape or sexual offense as defined by §§ 3-303 through 3-308 of
5 this article or attempted rape or sexual offense in any degree;
- 6 (iv) false imprisonment; or
- 7 (v) death; or

8 (2) that a third person likely will suffer any of the acts listed in
9 paragraph (1) of this subsection.

10 (b) The provisions of this section do not apply to conduct that is:

- 11 (1) performed to ensure compliance with a court order;
- 12 (2) performed to carry out a specific lawful commercial purpose; or
- 13 (3) is authorized, required, or protected by local, State, or federal law.

14 (c) A person may not engage in stalking.

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

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

21 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take
22 effect October 1, 2004.