
By: **Delegates Lee, Anderson, Barkley, Bobo, Bronrott, Conroy, Cryor, Dumais, Feldman, Fulton, Gaines, Goldwater, Gutierrez, Haddaway, Hixson, Impallaria, Jones, Kach, Kaiser, Kelley, King, Leopold, Madaleno, Mandel, McComas, McDonough, Menes, Murray, Nathan-Pulliam, Niemann, Owings, Pendergrass, Petzold, Quinter, Ross, Rudolph, Shank, Simmons, Stern, and V. Turner**

Introduced and read first time: February 4, 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; defining a
5 certain term; making certain technical changes; and generally relating to the
6 crime of stalking.

7 BY repealing and reenacting, without amendments,
8 Article - Criminal Law
9 Section 3-801
10 Annotated Code of Maryland
11 (2002 Volume and 2003 Supplement)

12 BY repealing and reenacting, with amendments,
13 Article - Criminal Law
14 Section 3-802
15 Annotated Code of Maryland
16 (2002 Volume and 2003 Supplement)

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

19 **Article - Criminal Law**

20 3-801.

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

1 3-802.

2 (a) (1) In this section[,] THE FOLLOWING WORDS HAVE THE MEANINGS
3 INDICATED.

4 (2) "CONDUCT" INCLUDES:

5 (I) APPROACHING OR PURSUING ANOTHER;

6 (II) SENDING MAIL TO ANOTHER; OR

7 (III) COMMUNICATING WITH ANOTHER BY THE USE OF:

8 1. A TELEPHONE;

9 2. A TELECOMMUNICATIONS DEVICE;

10 3. THE INTERNET; OR

11 4. A FACSIMILE MACHINE.

12 (3) ["stalking"] "STALKING" means a malicious course of conduct [that
13 includes approaching or pursuing another] where the person intends to place or
14 knows or reasonably should have known the conduct would place another in
15 reasonable fear [of]:

16 [(1)] (I) OF:

17 [(i)] 1. serious bodily injury;

18 [(ii)] 2. an assault in any degree;

19 [(iii)] 3. 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)] 4. false imprisonment; or

22 [(v)] 5. death; or

23 [(2)] (II) that a third person likely will suffer any of the acts listed in
24 [paragraph (1) of this subsection] ITEM (I) OF THIS PARAGRAPH.

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 purpose; or

28 (3) is authorized, required, or protected by local, State, or federal law.

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

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

4 (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 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take
8 effect October 1, 2004.