

(PRE-FILED)

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By: **Delegate Benson**  
Requested: September 16, 2004  
Introduced and read first time: January 12, 2005  
Assigned to: Judiciary

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A BILL ENTITLED

1 AN ACT concerning

2 **Crimes - Felony - Stalking**

3 FOR the purpose of making the crime of stalking a felony instead of a misdemeanor;  
4 and generally relating to the crime of stalking.

5 BY repealing and reenacting, without amendments,  
6 Article - Criminal Law  
7 Section 3-802(a) and (c)  
8 Annotated Code of Maryland  
9 (2002 Volume and 2004 Supplement)

10 BY repealing and reenacting, with amendments,  
11 Article - Criminal Law  
12 Section 3-802(d)  
13 Annotated Code of Maryland  
14 (2002 Volume and 2004 Supplement)

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

17 **Article - Criminal Law**

18 3-802.

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

22 (1) (i) of serious bodily injury;

23 (ii) of an assault in any degree;

24 (iii) of rape or sexual offense as defined by §§ 3-303 through 3-308  
25 of this article or attempted rape or sexual offense in any degree;

1 (iv) of false imprisonment; or

2 (v) of death; or

3 (2) that a third person likely will suffer any of the acts listed in item (1)  
4 of this subsection.

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

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

9 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
10 October 1, 2005.