

# HOUSE BILL 612

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5lr0491

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By: **Delegates A. Miller, Frush, Haynes, Hixson, Krimm, Lam, Miele, B. Robinson,  
and C. Wilson**

Introduced and read first time: February 12, 2015

Assigned to: Judiciary

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## A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Law – Stalking – Included Acts**

3 FOR the purpose of defining the term “conduct” for purposes of a certain prohibition against  
4 stalking to include approaching, following, or pursuing another person without the  
5 person’s consent and monitoring or tracking another person without the person’s  
6 consent by or through the use of any device, action, or means, including electronic  
7 methods; making conforming changes; and generally relating to the crime of  
8 stalking.

9 BY repealing and reenacting, without amendments,  
10 Article – Criminal Law  
11 Section 3–801  
12 Annotated Code of Maryland  
13 (2012 Replacement Volume and 2014 Supplement)

14 BY repealing and reenacting, with amendments,  
15 Article – Criminal Law  
16 Section 3–802  
17 Annotated Code of Maryland  
18 (2012 Replacement Volume and 2014 Supplement)

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

21 **Article – Criminal Law**

22 3–801.

23 In this subtitle, “course of conduct” means a persistent pattern of conduct, composed  
24 of a series of acts over time, that shows a continuity of purpose.

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 3–802.

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

4 **(2) “CONDUCT” INCLUDES:**

5 **(I) APPROACHING, FOLLOWING, OR PURSUING ANOTHER**  
6 **PERSON WITHOUT THE PERSON’S CONSENT; OR**

7 **(II) MONITORING OR TRACKING ANOTHER PERSON WITHOUT**  
8 **THE PERSON’S CONSENT BY OR THROUGH THE USE OF ANY DEVICE, ACTION, OR**  
9 **MEANS, INCLUDING ELECTRONIC METHODS.**

10 **(3) “STALKING”** means a malicious course of conduct [that includes  
11 approaching or pursuing another where] **IN WHICH** the person intends to place or knows  
12 or reasonably should have known the conduct would place another in reasonable fear:

13 [(1)] (i) **1.** of serious bodily injury;

14 [(ii)] **2.** of an assault in any degree;

15 [(iii)] **3.** of rape or sexual offense as defined by §§ 3–303 through  
16 3–308 of this title or attempted rape or sexual offense in any degree;

17 [(iv)] **4.** of false imprisonment; or

18 [(v)] **5.** of death; or

19 [(2)] **(II)** that a third person likely will suffer any of the acts listed in item  
20 [(1) of this subsection] **(I) OF THIS PARAGRAPH.**

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

22 (1) performed to ensure compliance with a court order;

23 (2) performed to carry out a specific lawful commercial purpose; or

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

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

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

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

4           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
5 October 1, 2015.