

Department of Legislative Services  
Maryland General Assembly  
2015 Session

FISCAL AND POLICY NOTE

House Bill 612  
Judiciary

(Delegate A. Miller, *et al.*)

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Criminal Law - Stalking - Included Acts

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This bill defines “conduct” under the prohibition against stalking to include (1) the approaching, following, or pursuing of another person without that person’s consent or (2) monitoring or tracking another person without the person’s consent by or through the use of any device, action, or means, including electronic methods.

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Fiscal Summary

**State Effect:** Minimal increase in general fund revenues and expenditures if the bill expands the application of existing statutory monetary and incarceration penalties.

**Local Effect:** Minimal increase in local revenues and expenditures if the bill expands the application of existing statutory monetary and incarceration penalties.

**Small Business Effect:** None.

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Analysis

**Current Law:** A person may not engage in “stalking.” Violators are guilty of a misdemeanor, punishable by imprisonment for up to five years and/or a \$5,000 maximum fine. A sentence imposed for stalking may be separate from and consecutive to or concurrent with a sentence for any other crime based on the acts establishing a violation of the prohibition.

“Stalking” means a malicious course of conduct that includes approaching or pursuing another person where the person intends to place or knows or reasonably should have known the conduct would place another in reasonable fear (1) of serious bodily injury,

assault in any degree, rape or sexual offense, attempted rape or sexual offense, false imprisonment, or death or (2) that a third person likely will suffer any of these acts.

“Course of conduct” means a persistent pattern of conduct, composed of a series of acts over time that shows a continuity of purpose.

The prohibition does not apply to conduct that is (1) performed to ensure compliance with a court order; (2) performed to carry out a specific lawful commercial purpose; or (3) authorized, required, or protected by local, State, or federal law.

**Background:** According to the State Commission on Criminal Sentencing Policy, three people were sentenced in the State’s circuit courts during fiscal 2014 for violating the prohibition on stalking.

**State Revenues:** General fund revenues increase minimally from fines imposed in cases heard in the District Court if the bill expands the application of the monetary penalty for stalking.

**State Expenditures:** General fund expenditures increase minimally as a result of the bill’s incarceration penalty due to more people being committed to State correctional facilities and increased payments to counties for reimbursement of inmate costs. The number of people convicted of stalking as a result of the bill is expected to be minimal.

Persons serving a sentence longer than 18 months are incarcerated in State correctional facilities. Currently, the average total cost per inmate, including overhead, is estimated at \$3,100 per month. This bill alone, however, should not create the need for additional beds, personnel, or facilities. Excluding overhead, the average cost of housing a new State inmate (including variable health care costs) is about \$770 per month. Excluding all health care, the average variable costs total \$200 per month.

Persons serving a sentence of one year or less in a jurisdiction other than Baltimore City are sentenced to local detention facilities. For persons sentenced to a term of between 12 and 18 months, the sentencing judge has the discretion to order that the sentence be served at a local facility or a State correctional facility. Prior to fiscal 2010, the State reimbursed counties for part of their incarceration costs, on a per diem basis, after a person had served 90 days. Currently, the State provides assistance to the counties for locally sentenced inmates and for inmates who are sentenced to and awaiting transfer to the State correctional system. A \$45 per diem grant is provided to each county for each day between 12 and 18 months that a sentenced inmate is confined in a local detention center. Counties also receive an additional \$45 per day grant for inmates who have been sentenced to the custody of the State but are confined in a local facility. The State does not pay for pretrial detention time in a local correctional facility. Persons sentenced in Baltimore City are

generally incarcerated in State correctional facilities. The Baltimore City Detention Center, a State-operated facility, is used primarily for pretrial detentions.

**Local Revenues:** Revenues increase minimally from fines imposed in cases heard in the circuit courts if the bill expands the application of the monetary penalty for stalking.

**Local Expenditures:** Expenditures increase minimally as a result of the bill's expanded application of an existing incarceration penalty. Counties pay the full cost of incarceration for people in their facilities for the first 12 months of the sentence. A \$45 per diem State grant is provided to each county for each day between 12 and 18 months that a sentenced inmate is confined in a local detention center. Counties also receive an additional \$45 per day grant for inmates who have been sentenced to the custody of the State but are confined in a local facility. Per diem operating costs of local detention facilities have ranged from approximately \$60 to \$160 per inmate in recent years.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** Maryland State Commission on Criminal Sentencing Policy, Judiciary (Administrative Office of the Courts), Office of the Public Defender, State's Attorneys' Association, Department of Legislative Services

**Fiscal Note History:** First Reader - February 25, 2015  
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