A BILL ENTITLED

AN ACT concerning

Criminal Law – Stalking – Penalties

FOR the purpose of altering the penalties for stalking under certain circumstances; and

generally relating to the crime of stalking.

BY repealing and reenacting, with amendments,

Article – Criminal Law

Section 3–802

Annotated Code of Maryland

(2021 Replacement Volume and 2021 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

That the Laws of Maryland read as follows:

Article – Criminal Law

3–802.

(a) In this section, “stalking” means a malicious course of conduct that includes

approaching or pursuing another where:

(1) the person intends to place or knows or reasonably should have known

the conduct would place another in reasonable fear:

(i) 1. of serious bodily injury;

2. of an assault in any degree;

3. of rape or sexual offense as defined by §§ 3–303 through

3–308 of this title or attempted rape or sexual offense in any degree;

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.
4. of false imprisonment; or
5. of death; or

(ii) that a third person likely will suffer any of the acts listed in item
(i) of this item; or

(2) the person intends to cause or knows or reasonably should have known
that the conduct would cause serious emotional distress to another.

(b) The provisions of this section do 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.

(c) A person may not engage in stalking.

(d) [A] EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS
SUBSECTION, A person who violates this section is guilty of a misdemeanor and on
conviction is subject to imprisonment not exceeding 5 years or a fine not exceeding $5,000
or both.

(2) A PERSON WHO IS CONVICTED UNDER SUBSECTION (C) OF THIS
SECTION IS GUILTY OF A FELONY AND IS SUBJECT TO IMPRISONMENT NOT
EXCEEDING 10 YEARS OR A FINE NOT EXCEEDING $10,000 OR BOTH IF:

(I) THE PERSON HAD AN INTERIM, TEMPORARY, OR FINAL
PROTECTIVE ORDER IN EFFECT AGAINST THE PERSON AT THE TIME OF THE
OFFENSE IN WHICH THE VICTIM WAS THE PETITIONER;

(II) THE PERSON HAS PREVIOUSLY BEEN CONVICTED ONCE
UNDER SUBSECTION (C) OF THIS SECTION; OR

(III) THE PERSON PREVIOUSLY HAS BEEN CONVICTED ONCE OF A
CRIME UNDER THE LAWS OF ANOTHER STATE THAT WOULD BE A CRIME UNDER
SUBSECTION (C) OF THIS SECTION IF COMMITTED IN THIS STATE.

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

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
October 1, 2022.