

# HOUSE BILL 148

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(PRE-FILED)

2lr0425  
CF SB 328

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By: **Delegate Bartlett**

Requested: September 1, 2021

Introduced and read first time: January 12, 2022

Assigned to: Judiciary

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Committee Report: Favorable

House action: Adopted

Read second time: February 15, 2022

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Criminal Law – Stalking – Definition**

3 FOR the purpose of altering the definition of stalking to include conduct that occurs in  
4 person, through electronic communication, or through the use of a certain device;  
5 and generally relating to stalking.

6 BY repealing and reenacting, with amendments,  
7 Article – Criminal Law  
8 Section 3–802  
9 Annotated Code of Maryland  
10 (2021 Replacement Volume and 2021 Supplement)

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

13 **Article – Criminal Law**

14 3–802.

15 (a) In this section[,]:

16 (1) “stalking” means a malicious course of conduct that includes  
17 approaching or pursuing another where:

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1            [(1)] (I) the person intends to place or knows or reasonably should have  
2 known the conduct would place another in reasonable fear:

3                    [(i)] 1.     A.     of serious bodily injury;

4                            [2.] B.     of an assault in any degree;

5                            [3.] C.     of rape or sexual offense as defined by §§ 3–303  
6 through 3–308 of this title or attempted rape or sexual offense in any degree;

7                            [4.] D.     of false imprisonment; or

8                            [5.] E.     of death; or

9                            [(ii)] 2.     that a third person likely will suffer any of the acts listed  
10 in item [(i)] 1 of this item; or

11            [(2)] (II) the person intends to cause or knows or reasonably should have  
12 known that the conduct would cause serious emotional distress to another; AND

13            **(2) “STALKING” INCLUDES CONDUCT THAT OCCURS:**

14                    **(I)     IN PERSON;**

15                            **(II)    BY ELECTRONIC COMMUNICATION, AS DEFINED IN § 3–805**  
16 **OF THIS SUBTITLE; OR**

17                            **(III) THROUGH THE USE OF A DEVICE THAT CAN PINPOINT OR**  
18 **TRACK THE LOCATION OF ANOTHER WITHOUT THE PERSON’S KNOWLEDGE OR**  
19 **CONSENT.**

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

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

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

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

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

25            (d) A person who violates this section is guilty of a misdemeanor and on conviction  
26 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, 2022.

Approved:

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Governor.

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Speaker of the House of Delegates.

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President of the Senate.