

Chapter 149

(Senate Bill 328)

AN ACT concerning

Criminal Law – Stalking – Definition

FOR the purpose of altering the definition of stalking to include conduct that occurs in person, through electronic communication, or through the use of a certain device; and generally relating to 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[,]:

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

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

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

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

[3.] C. 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;

[4.] D. of false imprisonment; or

[5.] E. of death; or

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

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

(2) “STALKING” INCLUDES CONDUCT DESCRIBED IN ITEM (1) OF THIS SUBSECTION THAT OCCURS:

(I) IN PERSON;

(II) BY ELECTRONIC COMMUNICATION, AS DEFINED IN § 3-805 OF THIS SUBTITLE; OR

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

(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 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.

(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.

Approved by the Governor, April 21, 2022.