

Chapter 429

(Senate Bill 512)

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 2025 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:

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

1. A. of serious bodily injury;
- B. of an assault in any degree;
- 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;
- D. of false imprisonment; or
- E. of death; or
2. that a third person likely will suffer any of the acts listed in item 1 of this item; or

(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) **(1) [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 VIOLATES 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 HAD A COURT ORDER IN EFFECT AGAINST THE PERSON AT THE TIME OF THE OFFENSE PROHIBITING THE BEHAVIOR DESCRIBED IN SUBSECTION (A) OF THIS SECTION INVOLVING THE VICTIM;

(III) THE PERSON HAS PREVIOUSLY BEEN CONVICTED ONCE OF A VIOLATION OF THIS SECTION; OR

(IV) 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, 2026.

Approved by the Governor, May 12, 2026.