

SENATE BILL 512

E1
SB 429/22 – JPR

6lr1247

By: **Senator Smith**

Introduced and read first time: February 2, 2026

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Law – Stalking – Penalties**

3 FOR the purpose of altering the penalties for stalking under certain circumstances; and
4 generally relating to the crime of stalking.

5 BY repealing and reenacting, with amendments,
6 Article – Criminal Law
7 Section 3–802
8 Annotated Code of Maryland
9 (2021 Replacement Volume and 2025 Supplement)

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

12 **Article – Criminal Law**

13 3–802.

14 (a) In this section:

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

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

19 1. A. of serious bodily injury;

20 B. of an assault in any degree;

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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;

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

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

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

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

12 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
13 October 1, 2026.