

Department of Legislative Services
Maryland General Assembly
2026 Session

FISCAL AND POLICY NOTE
Third Reader

Senate Bill 512

(Senator Smith)

Judicial Proceedings

Judiciary

Criminal Law - Stalking - Penalties

This bill alters existing penalties for stalking if a person committed the act and either (1) 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; (2) the person had a court order in effect against the person at the time of the offense prohibiting stalking involving the victim; (3) the person has a previous conviction in this State for stalking; or (4) the person has a previous conviction under the laws of another state that would constitute a crime of stalking if committed in this State. A violator who engages in stalking under these circumstances is guilty of a felony and subject to imprisonment for up to 10 years and/or a \$10,000 maximum fine.

Fiscal Summary

State Effect: Potential minimal increase in general fund expenditures due to the bill's incarceration penalty. Potential minimal decrease in general fund revenues from fines imposed in District Court misdemeanor stalking cases that shift to the circuit courts due to the bill's felony designation for specified stalking violations.

Local Effect: Potential minimal increase in local revenues from fines imposed in circuit court cases. Expenditures are not materially affected.

Small Business Effect: None.

Analysis

Current Law:

Stalking

Section 3-802 of the Criminal Law Article prohibits a person from engaging in “stalking.” “Stalking” means a malicious course of conduct that includes approaching or pursuing another where:

- the person intends to place or knows or reasonably should have known the conduct would place another in reasonable fear of serious bodily injury or death, of an assault in any degree, of rape or sexual offense as defined by §§ 3-303 through 3-308 of the Criminal Law Article or attempted rape or sexual offense in any degree, of false imprisonment, or that a third person likely will suffer any of these acts; or
- the person intends to cause or knows or reasonably should have known that the conduct would cause serious emotional distress to another.

Stalking includes conduct that occurs (1) in person; (2) by electronic communication, as defined in § 3-805 of the Criminal Law Article; or (3) through the use of a device that can pinpoint or track the location of another without the person’s knowledge or consent.

The prohibition against stalking does not apply to conduct that is performed to ensure compliance with a court order; performed to carry out a specific lawful commercial purpose; or authorized, required, or protected by local, State, or federal law.

Stalking is a misdemeanor, punishable by imprisonment for up to five years and/or a \$5,000 maximum fine. A sentence imposed for stalking may be separate from and consecutive to or concurrent with a sentence for any other crime based on the acts establishing the stalking violation.

Protective Orders, Generally

Only a “person eligible for relief” may file for a protective order under the Family Law Article. Statute specifies certain relationship requirements to qualify as a person eligible for relief.

A person eligible for relief may file a petition for a protective order, alleging that the respondent has committed an act of “abuse.” For the purpose of protective orders, “abuse” means (1) an act that causes serious bodily harm; (2) an act that places a person eligible for relief in fear of imminent serious bodily harm; (3) assault in any degree; (4) rape or sexual offense, as specified; (5) false imprisonment; (6) stalking; or (7) revenge porn.

If a judge finds that there are reasonable grounds to believe that a person eligible for relief has been abused, the judge may enter a temporary protective order to protect any person eligible for relief from abuse. In general, a judge may grant a final protective order if the judge finds by a preponderance of the evidence that the alleged abuse has occurred or if the respondent consents to the entry of the order. Among other relief, a final protective order may order the respondent to (1) refrain from abusing or threatening to abuse any person eligible for relief; (2) refrain from contacting, attempting to contact, or harassing any person eligible for relief; (3) refrain from entering the residence of any person eligible for relief; (4) remain away from the place of employment, school, or temporary residence of a person eligible for relief or home of other family members; or (5) remain away from a child care provider of a person eligible for relief while the child is in the provider's care.

Additional Comments: According to the Judiciary, there were 535 violations filed and 28 guilty dispositions (convictions) in the District Court and the circuit courts for stalking in fiscal 2025. During fiscal 2025, Department of Public Safety and Correctional Services conducted zero correctional intakes and 24 probation intakes for stalking. Data is not readily available on how many of these individuals would have qualified for the penalty established under the bill.

Additional Information

Recent Prior Introductions: Similar legislation has not been introduced within the last three years.

Designated Cross File: None.

Information Source(s): Maryland State Commission on Criminal Sentencing Policy; Judiciary (Administrative Office of the Courts); Office of the Public Defender; Department of Public Safety and Correctional Services; Department of Legislative Services

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