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February 15, 2022

The Honorable William Smith  
Chairperson, Senate Judicial Proceedings Committee  
11 Bladen Street  
Annapolis, MD 21401

Dear Chairperson Smith:

I write in support of SB429, Criminal Law—Stalking—Penalties. I am the Chief of the Special Victims Division for the Montgomery County State's Attorney's Office and I chair the Montgomery County Domestic Violence Coordinating Council. I am a member of the Governor's Family Violence Council and chair of the Maryland State's Attorneys' Association's Domestic Violence Subcommittee, which includes representatives from jurisdictions across the state.

Approximately 1 in 12 women and 1 in 45 men will be stalked in their lifetime. Most stalking victims are stalked by someone that they know: 77% of female victims and 30% of male victims of stalking are stalked by a current or former intimate partner. Moreover, intimate partner stalkers are more likely to assault third parties, to approach the victim, to use weapons, to escalate behaviors quickly, and to reoffend. They are also more likely to act out violently.

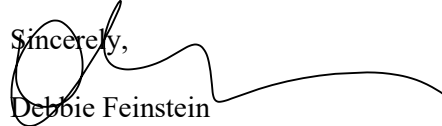
Most significantly stalking is highly correlated with homicide: 76% of female homicide victims had been stalked by the person who killed them; 67% of female homicide victims had been physically abused by their intimate partner, 89% of female victims who were physically assaulted were also stalked in the 12 months before their murder; 79% of abused female homicide victims reported being stalked in the same period that they were abused; 54% of female homicide victims reported stalking to the police before they were killed by their stalkers.

Section 3-802 of the Criminal Law Article currently criminalizes stalking, 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 person in reasonable fear of: serious bodily injury, assault, rape or sexual offense, false imprisonment, death, or that a third person will suffer any of these acts. The law also criminalizes stalking when the person intends to cause or knows or reasonably should have known that the conduct would cause serious emotional distress to another. The crime of stalking is currently a misdemeanor and carries a maximum penalty of 5 years or \$5,000.

The proposed law creates an enhanced penalty for stalking if the person has a prior conviction for stalking (either in Maryland or another state with a similar statute) or if the person had protective order in effect against them at the time the offense was committed. If either of these circumstances are present, the stalking becomes a felony with a 10 year maximum penalty or \$10,000.

Similar to other crimes that include an enhanced penalty for repeat offenders, this bill aims to reduce recidivism and to give the State additional tools to protect public safety, either in the form of additional incarceration or more significant back-up time if the offender violates probation. Given the nexus between stalking and intimate partner homicide, our State must enhance the penalty for those stalkers that commit this offense while the subject of a protective order or are repeat offenders.

I urge the Senate Judicial Proceedings Committee to issue a favorable report on SB429.

Sincerely,  
  
Debbie Feinstein  
Chief, Special Victims Division  
Senior Assistant State's Attorney

Sources:

The National Center for Victims of Crime, Stalking Resource Center, *Stalking Fact Sheet*, <https://www.familyjusticecenter.org/wp-content/uploads/2017/10/Fact-Sheet-on-Stalking.pdf> (last visited on January 25, 2022).

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