
BILL NO.: Senate Bill 328
TITLE: Criminal Law – Stalking - Definition
COMMITTEE: Judicial Proceedings
DATE: February 8, 2022
POSITION: **SUPPORT**

Senate Bill 328 would update Maryland's existing stalking crime to explicitly include the more modern methods of stalking in use today. The Women's Law Center (WLC) supports this important bill as we have many clients who experience electronic stalking, and as it is intrusive, unsettling and very scary.

Currently our criminal stalking statute only addresses physical forms of following a victim. However, as we see all too often, most stalking is committed using electronic means of communication of tracking, instead of physically pursuing a victim. Most often, the cell phone is used as a method stalking, by either loading spyware or tracking apps, without the user's knowledge, or other common methods, such as hiding a GPS tracker in a victim's car, putting a camera or listening device in a child's toy in order to hear/watch what happens at the victim's home, installing spyware on a victim's computer. The National Network to End Domestic violence has a page dedicated to understanding electronic stalking, techsafety.org. On it, you see the most common ways someone stalks another using electronic means – cell phone misuse - using existing apps like family finding apps or adding hidden spyware; impersonation (through creating fake social media accounts, hacking, sending fake emails, spoofing, etc.); and by computer spyware. There are also non-cell phone based tracking devices, such as GPS locators placed on cars, or the new Air Tag, placed on a car, in a diaper bag, in a purse, etc.

Under the proposed change in the law, such actions could be considered stalking if the victim can prove that the perpetrator intended to cause or knew or reasonable should have known that the conduct would cause serious emotional distress (this is part of the existing law). This would bring the law in line with the forms of stalking that are mostly widely used today.

Stalking is insidious - operating or proceeding in an inconspicuous or seemingly harmless way but actually with grave effect. The toll it takes on its victims is extreme. Victims who are being stalked are physiologically on high alert all the time, which can cause health issues. It is exhausting. It is invasive of one's privacy. If it escalates to actual assault, that is even worse.

Thus, the Women's Law Center of Maryland urges a favorable report for SB 328.

The Women's Law Center of Maryland is a private, non-profit, legal services organization that serves as a leading voice for justice and fairness for women. It advocates for the rights of women through legal assistance to individuals and strategic initiatives to achieve systemic change, working to ensure physical safety, economic security, and bodily autonomy for women in Maryland.