

# **Legislative Letter--Stalking Penalty DVCC.pdf**

Uploaded by: Brett Engler

Position: FAV



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

Dear Chairperson Smith and Judicial Proceedings Committee,

The Frederick County Domestic Violence Coordinating Council (DVCC) writes in support of Senate Bill 429 Stalking: Penalties. The Frederick County DVCC was formed in 2020 in order to increase collaboration and communication among criminal and civil justice stakeholders, service providers, and community members with the goal to reduce and prevent domestic violence in Frederick County.

The DVCC is in support of Senate Bill 429 because Maryland must join the majority of states that have a felony designation and enhanced penalties for repeat offenders, and those stalking a victim while under a court order of protection. According to Dr. Jacqueline Campbell in her study “Stalking and Intimate Partner Femicide,” in 85% of attempted and 76% of completed intimate partner femicides, the victim had been stalked in the year preceding the crime. Additionally, 54% of female domestic violence homicide victims *reported* stalking to police before they were killed by their stalkers.

In order to prevent intimate partner homicide, and bring peace and justice to victims of stalking, Maryland must respond to and deter this abhorrent behavior. Enhanced penalties and the felony designation dramatically expand the ability of the State to protect victims and incapacitate repeat offenders and those who stalk in violation of a protective order, before they murder their target.

A handwritten signature in black ink that reads "Brett Engler".

Brett Engler, *Esq.*

Frederick County State’s Attorney’s Office  
Chair, Frederick County DVCC

A handwritten signature in black ink that reads "Jessica Fitzwater".

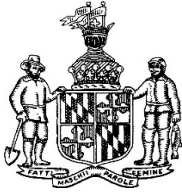
Jessica Fitzwater

County Council Member, District 4  
Vice-Chair, Frederick County DVCC

# **Feinstein Letter of Support SB429.pdf**

Uploaded by: Debbie Feinstein

Position: FAV



STATE'S ATTORNEY  
JOHN J. MCCARTHY

## State's Attorney for Montgomery County

50 Maryland Avenue  
Rockville, Maryland 20850

240-777-7300  
FAX 240-777-7413  
[WWW.MONTGOMERYCOUNTYMD.GOV/SAO](http://WWW.MONTGOMERYCOUNTYMD.GOV/SAO)

DEPUTY STATE'S ATTORNEYS  
PETER A. FEENEY  
RYAN S. WECHSLER

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.

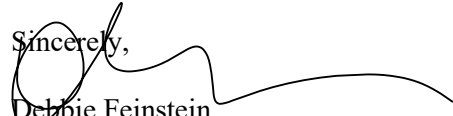
Section 3-802 of the Criminal Law Article currently criminalizes stalking, a malicious course of conduct that includes approaching or pursuing another where the person intends to place or knows or reasonably should have known the conduct would place another person in reasonable fear of: serious bodily 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).

Logan, T.K., et al., *Stalking victimization in the context of intimate partner violence*, *Violence Vict.*, 2007, 22(6):669-83.

Sheridan, L. et al., *Violence and the prior victim-stalker relationship*, *Criminal Behavior and Mental Health*, 2001, 11(2): 102-116.

Mohandie, K., et al., *The RECON Typology of Stalking: Reliability and Validity Based Upon a Large Sample of North American Stalkers*, *J. Forensic Sci.*, 2006, 51(1):147-155.

Campbell, J., et al., *Risk Factors for Femicide in Abusive Relationships: Results from a Multisite Case Control Study*, *Am. J. Public Health*, 2003, 93(7):1089-1097.

# **SB 429 FAV House of Ruth.pdf**

Uploaded by: Dorothy Lennig

Position: FAV



Marjorie Cook Foundation

Domestic Violence Legal Clinic

2201 Argonne Drive • Baltimore, Maryland 21218 • 410-554-8463 • dlennig@hruthmd.org

**TESTIMONY IN SUPPORT OF SENATE BILL 429**

February 16, 2022

**DOROTHY J. LENNIG, LEGAL CLINIC DIRECTOR**

House of Ruth Maryland is a non-profit organization providing shelter, counseling, and legal services to victims of domestic violence throughout the State of Maryland. House of Ruth has offices in Baltimore City, Prince George's County, Montgomery County, and Baltimore County. Senate Bill 429 would alter the criminal penalties for stalking under certain circumstances. **We urge the Senate Judicial Proceedings Committee to issue a favorable report on Senate Bill 429.**

Under current law, any conviction of stalking is a misdemeanor. SB 429 would make it a felony if a defendant is convicted of stalking when the victim had an interim, temporary or final protective order against the defendant at the time of the stalking incident or when the defendant had previously been convicted of stalking. This change to the statute will provide additional protections to victims of intimate partner violence whose abusers have subjected them to multiple incidents of stalking and/or when the victims have sought protection through the protective order process. Stalking places victims in extreme fear for their safety, as the behaviors which constitute stalking leave victims constantly wondering and afraid of when their abusers will next appear, whether they will find out where the victim lives, or whether the abuser will attack again. This is even more so for victims who are subjected to multiple acts of stalking. Raising the penalty for multiple acts of stalking or for stalking when a protective order is in place will increase accountability for abusers and hopefully serve to protect victims from repeated incidents of this terrifying form of abuse.

**The House of Ruth urges a favorable report on Senate Bill 429.**

# **SB429 Written Testimony (J. Garth) NF.pdf**

Uploaded by: Jessica Garth

Position: FAV



**AISHA N. BRAVEBOY**  
STATE'S ATTORNEY



**JASON B. ABBOTT**  
PRINCIPAL DEPUTY STATE'S ATTORNEY

**State's Attorney for Prince George's County**  
14735 Main Street, Suite M3403  
Upper Marlboro, Maryland 20772  
301-952-3500

February 16, 2022

Testimony in **Support** of  
SB 429 – Criminal Law – Stalking - Penalties

Dear Chairman Smith and members of the Committee, I am writing to show my strong support for Senate Bill 0429 on behalf of State's Attorney Aisha Braveboy and the MSAA, and to urge a favorable report. This bill enhances the penalty for persons convicted of stalking who are repeat offenders or who had a valid order of protection against them.

As the Chief of the Special Victims & Family Violence Unit in the State's Attorney's Office for Prince George's County, I am unfortunately familiar with cases where a victim has faced stalking from a current or former intimate partner. Stalking is an insidious crime that places the victim in a state of ongoing fear. Stalking victims must constantly be looking over their shoulders and face constant violations of privacy as well as threats of physical violence.

According to the National Coalition Against Domestic Violence, there is a strong correlation between women who have been stalked and who then either survived a murder attempt at the hands of an intimate partner who were ultimately murdered by an intimate partner. These victims often reached out to the judicial system for help first, either by filing for orders of protection, pursuing criminal charges, or both. It is time that the laws of the State of Maryland reflect the danger that these victims are in and provide help to these victims who are so desperately trying to help themselves.

Maryland is the only state without a sentencing enhancement for offenders who have prior stalking convictions or who had an active order of protection against them. It is time for us to step up and make the changes necessary to protect our victims.

For the foregoing reasons, I respectfully urge a favorable report on SB429.

# **Senate Stalking Enhancement Favorable.pdf**

Uploaded by: Kathryn Marsh

Position: FAV



# ANTHONY B. COVINGTON

State's Attorney for Charles County

January 25, 2022

Maryland Senate Judicial Proceedings Committee  
William C. Smith, Jr., Chair  
Miller Senate Office Building, 2 East Wing  
11 Bladen St., Annapolis, MD 21401 – 1991

Re: Favorable Report for Senate Bill 429

Dear Chairman Smith and Members of the Committee:

As a career special victims' prosecutor I have seen numerous domestic violence cases where the victim finds the courage to leave a relationship is then stalked, put in a perpetual state of fear, and suffers further harm. Unfortunately, this is not unusual. 81% of women who are stalked by an intimate partner were also physically assaulted, while 31% were sexually assaulted.

When we look further at domestic violence homicides, 76% of women who were murdered by an intimate partner were stalked first, while 85% of women who survived a murder attempt had been previously stalked. These crimes aren't happening in a vacuum, many of these victims have sought protective orders and help from law enforcement yet that doesn't end the stalking or the abuse. In fact 54% of female homicide victims had reported being stalked to law enforcement prior to being killed by their stalker.

Maryland is the only state without a sentencing enhancement for repeat offenders and/or perpetrators who already have an order of protection against them. Maryland must do better, we must protect our victims. I urge a favorable return of this bill.

Thank you,

*K.A. Marsh*

Kathryn A. Marsh

Special Victims Liaison, Assistant State's Attorney

Statistics come from the National Coalition Against Domestic Violence

# **Stalking - increased penalty - testimony - senate**

Uploaded by: Lisae C Jordan

Position: FAV



**Working to end sexual violence in Maryland**

P.O. Box 8782  
Silver Spring, MD 20907  
Phone: 301-565-2277  
www.mcasa.org

For more information contact:  
Lisae C. Jordan, Esquire

**Testimony Supporting Senate Bill 429**  
**Lisae C. Jordan, Executive Director & Counsel**  
February 16, 2022

The Maryland Coalition Against Sexual Assault (MCASA) is a non-profit membership organization that includes the State's seventeen rape crisis centers, law enforcement, mental health and health care providers, attorneys, educators, survivors of sexual violence and other concerned individuals. MCASA includes the Sexual Assault Legal Institute (SALI), a statewide legal services provider for survivors of sexual assault. MCASA represents the unified voice and combined energy of all of its members working to eliminate sexual violence. We urge the Judicial Proceedings Committee to report favorably on Senate Bill 429.

**Senate Bill 429 – Stalking**

**Increased Penalties for Serial Stalking or Stalking in Violation of a Protective Order**

Senate Bill 429 would increase the penalties for stalkers convicted of stalking or who commit stalking in while a protective order for the same victim was in place.

Stalking of the victim by the offender is a frequent precursor of the sexual assault.

Roger, Laura, *Many Sexual Assaults Follow Stalking*, United States Department of Justice Archives (webpage), January 12, 2021. <https://www.justice.gov/archives/ovw/blog/many-sexual-assaults-follow-stalking>

Stalking is also common. About 1 in 6 women and 1 in 17 men have experienced stalking in their lifetimes. Stalking is quite serious and impacts the physical and mental health of victims. Research shows stalking can lead to depression and post-traumatic stress disorder. About 68% of female and 70% of male victims experienced threats of physical harm during their lifetime.

<https://www.cdc.gov/injury/features/prevent-stalking/index.html>.

Stalkers who are stalking in violation of a protective order or who have committed stalking in the past are clearly dangerous. Permitting courts to impose a longer sentence in these cases recognizes the danger they pose and can help prevent future violence.

**The Maryland Coalition Against Sexual Assault urges the  
Judicial Proceedings Committee to  
report favorably on Senate Bill 429**

**2022 PANDA SB429 Senate Side .pdf**

Uploaded by: Suhani Chitalia

Position: FAV

# Mid Atlantic P.A.N.D.A. Coalition

5900 Abriana Way, Elkridge, Maryland 21075

From: Mid Atlantic P.A.N.D.A. Coalition

To: Chairman William Smith Jr.

Re: SB 429 Criminal Law – Stalking - Penalties

Date: January 21, 2022

Dear: Chairman Smith,

The Mid-Atlantic P.A.N.D.A. is in Favor of SB 429

We represent the Mid Atlantic P.A.N.D.A. Coalition (Prevent Abuse and Neglect through Dental Awareness). We were established in 2000, our mission is “To create an atmosphere of understanding in dentistry and other professional communities which will result in the prevention of abuse and neglect through early identification and appropriate intervention for those who have been abused or neglected.” Dentists and Dental Hygienists (Dental Professionals) are mandated by the State of Maryland to report suspected cases of abuse and neglect. Our coalition has established a Continuing Education (CE) course that educates Dental Professionals and others how to recognize, report, or refer. The Maryland State Board of Dental Examiners has deemed this course as a mandatory CE requirement for Dentists and Hygienists to renew their licenses. We also address domestic violence, elder abuse, human trafficking and bullying in our CE course.

This bill will alter the penalties for stalking if the victim has a protective order in effect against the defendant at the time the offense or the defendant had previously been convicted of stalking to a felony. We need to protect the victims and show the offenders that there is a consequence for their actions and that they can't intimidate others.

Thank you for your consideration of SB 429 and we ask for a favorable report.

Respectfully submitted,

Mid-Atlantic P.A.N.D.A. Coalition

Carol Caiazzo, RDH President

Susan Camardese, RDH, MS, Vice President

**SB429\_FAV\_Lee\_2022.pdf**

Uploaded by: Susan Lee

Position: FAV



SUSAN C. LEE  
Legislative District 16  
Montgomery County

MAJORITY WHIP

Judicial Proceedings Committee

Joint Committee on  
Cybersecurity, Information Technology,  
and Biotechnology

*Chair Emeritus*  
Maryland Legislative Asian American  
and Pacific Islander Caucus

*President Emeritus*  
Women Legislators of the  
Maryland General Assembly, Inc.



James Senate Office Building  
11 Bladen Street, Room 223  
Annapolis, Maryland 21401  
410-841-3124 · 301-858-3124  
800-492-7122 Ext. 3124  
Susan.Lee@senate.state.md.us

THE SENATE OF MARYLAND  
ANNAPOLIS, MARYLAND 21401

February 16, 2022

Senate Judicial Proceedings Committee

**SB 429 – SPONSOR - Favorable – Stalking – Enhanced Penalties**

SB429 targets repeat and unrelenting stalkers with enhanced penalties. Usually increasing penalties doesn't dissuade crime, and the crime of stalking doesn't have as many convictions as we may think are warranted, but with a combination of tools from legislation before this committee this session, we can change the dynamics and fight the growing threat of stalking with a combination of tactics. This is the blunt force object. Stalkers may need to know the penalties are severe if you ignore our laws.

Presently, a conviction of stalking is a misdemeanor. There is no enhanced penalty for repeated convictions of stalking, yet this is frequently a crime of repetition. Most states have some form of enhanced penalties for this type of behavior.

According to the CDC, stalking affects 1 in 6 women and 1 in 17 men. Approximately 74% of the victims received threats of physical harm and the victims are often the youngest adults- college aged. An unbelievable 11% of stalking victims have been stalked for over 5 years. Two thirds of stalkers pursue their victims at least once a week and one third have stalked before. Stalkers who have been intimately involved with their victim are most likely to approach, threaten, or harm their victims.

These numbers are scary, but stalking is much more frightening than it may sound. Imagine being a victim and knowing that your stalker could, at most, receive a misdemeanor charge. Picture the stalker relentlessly terrorizing you, physically, emotionally and digitally. Similar to strangulation, stalking has a very high correlation with homicide. Victims of domestic violence are especially likely to have had been victims of stalking before an eventual homicide, the coalition and causation are clear. There is a failure to protect victims of stalking across the country and globe. The change was triggered with new technologies, and failure to train police

on that type of abuse, combined with an abject failure to adequately punish offenders and empower victims. Over three quarters of female homicide victims were stalked by the person who killed them. These are murders we can prevent if we protect the stalking victims, and lock up the stalkers, especially those who ignore our justice system.

This bill serves as an intervention and delay between stalker and victim and a potentially deadly outcome. We have increased the sentence for repeated conviction of stalking or stalking while under a protective order to a felony with maximum of ten years, a \$10,000 fine, or both.

SB 429 works in conjunction with my two party consent bill. Because convictions for stalking are far too infrequent relevant to the frequency of the offense. We must not bind victim's hands by not being able to record their stalkers, as we do in currently, because equally important to enhanced penalties is the fear of being caught. This session, we will have the ability to deter crime, train police training, and update our laws based on technology as well as common criminal practices. All combined, we can further recognize, documents and intervene in stalking, therefore preventing some homicides, and serious injuries, as well as the serious emotional distress caused through stalking. We must put fear into the hearts of the abusers that they will be investigated, prosecuted and sentenced to the appropriate terms relative to the harm they cause.

For these reasons, I respectfully request a favorable vote on SB 429.