

Testimony of the Human Trafficking Prevention Project

BILL NO: House Bill 148
TITLE: Criminal Law - Stalking - Definition
COMMITTEE: Judiciary
HEARING DATE: January 27, 2022
POSITION: **SUPPORT**

House Bill 148 will expand the definition of stalking to include electronic communication and digital tracking of a person without their consent. The Human Trafficking Prevention Project at the University of Baltimore School of Law supports this bill because it will provide an additional avenue for legal protection for individuals who trade sex, including survivors of human trafficking, who are frequently subjected to stalking.

Stalking constitutes behaviors and patterns wherein an individual follows, harasses, surveilles and/or threatens another. However, Maryland's current stalking statute was passed at a time before the existence of easily accessible electronic methods of communication and tracking of others. As such, the stalking statute in its current form only addresses the physical following and tracking of a victim. In today's digital age, stalking is more commonly committed using electronic means of communication or tracking, instead of physically pursuing a victim. Common examples of stalking using electronic means include but are by no means limited to hiding a GPS tracker in a victim's car, turning on the victim's phone location application and using it to track the victim's whereabouts, putting a camera or listening device in a child's toy in order to hear/watch what happens at the victim's home, or installing spyware on a victim's computer.

People who trade sex are put at heightened risk of stalking, given that they routinely rely on the internet to connect with customers, a practice which exposes them to unique online safety and privacy challenges. A recent study from UMD focusing on the link between digital safety and stalking and/or harassment reported that "sex workers are facing new challenges in protecting their digital privacy and security and avoiding serious consequences such as stalking, blackmail, and social exclusion."¹ Stalking is also frequently reported by survivors of human trafficking, a crime which is largely accomplished by surveillance as a method of control. Those subjected to stalking typically experience mood, anxiety, and posttraumatic stress symptoms that are difficult and complex to treat.²

House Bill 148 will build on existing law by acknowledging that our current digital age exposes us all to greater risk of digital tracking and surveillance by expanding the definition of stalking to include electronic communication and the digital tracking of an individual's whereabouts without their consent. This legislation will open up legal avenues for victims of stalking, including people who trade sex who are put at high risk of being stalked, to report unwanted surveillance and tracking. For these reasons, the Human Trafficking Prevention Project at the University of Baltimore School of Law supports House Bill 148. We respectfully urge a favorable report.

¹ Allison McDonald, et. al., "It's Stressful Having All These Phones: Investigating Sex Workers' Safety Goals, Risks, and Practices Online" (2021), <https://www.usenix.org/system/files/sec21fall-mcdonald.pdf>.

² Stephen Noffsinger, *What Stalking Victims Need to Restore Their Mental and Somatic Health: Victims' Mood, Anxiety, and Posttraumatic Stress Symptoms Require Prompt Care* (2015). *Current Psychiatry*, Vol. 14, No. 6.