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POSITION ON PROPOSED LEGISLATION

BILL: SB 512 Criminal Law - Stalking - Penalties

FROM: Maryland Office of the Public Defender

POSITION: Unfavorable

DATE: February 17, 2026

The Maryland Office of the Public Defender respectfully requests that the Committee issue an unfavorable report on Senate Bill 512.

Senate Bill 512 creates new categories of Stalking that are subject to a felony conviction and imprisonment of up to ten years. The increased penalty and enhanced conviction are available to prosecution in four new circumstances:

- 1) When there is an interim, temporary, or final protection order against the person at the time in which the victim was the petitioner;
- 2) When the person person had a court order effect prohibiting “stalking” or
- 3) When the person has previously been convicted of “stalking.”

The Office of the Public Defender urges an unfavorable report on Senate Bill 512 because it creates unfounded and misguided departures from the norm and does not account for the growing trend away from carceral responses to domestic violence situations.

Currently, a stalking offense is subject to 5 years’ imprisonment and a misdemeanor conviction. The expansion proposed by Senate Bill 512 is doubling the penalty and creating a new felony, and in some cases it will do so on the basis of temporary and interim protection orders. Interim and temporary protective orders are obtained through ex parte proceedings during which an individual can go to a judge or commissioner and request the temporary protective order without any adjudication. These unchallenged proceedings should not be used as the basis for doubling the penalty for stalking. Notably, there is a carceral penalty attached to the violation of a protection order.

Senate Bill 512 creates a new felony conviction. Felonies are the highest level of crime. As such, people with felony convictions face increased challenges in gaining employment. A recent analysis found that 92% of employers perform criminal background checks during the hiring process. Most employers do not hire people with felony convictions and/or who have served time in prison. An estimated 60 to 75 percent of incarcerated people remain unemployed one year after their release. This inability to gain employment desperately impacts a person’s quality of life and ability to establish a livelihood without committing crime. Without the possibility of stable housing and

income to provide for food and other necessities, people are forced to partake in illegal and unsafe measures, increasing the risk of crime and making our communities less safe. Additionally, people with felony convictions are excluded from participating in food supplement programs in Maryland. With the prices of food on the rise, limited income and no access to food supplement programs, the options for a convicted felon to survive and meet their basic needs without reoffending are little to none.

Additionally, felonies result in many collateral consequences. Collateral consequences are legal restrictions that disqualify people convicted of crimes from accessing certain needs and benefits available to other citizens. Many of the collateral consequences experienced by people with felony convictions involve very basic needs, including employment, housing and public food benefits. In particular, a person with a felony conviction faces significant barriers accessing housing, especially affordable housing because of their conviction. Most, if not all, government housing disqualifies applicants with felony convictions. Furthermore, families that live in public housing or have housing through a government voucher, are often not allowed to have family members with felony convictions live with them. Additionally, most landlords often do background checks and do not rent to people with criminal backgrounds and specifically felony charges. They could also be prohibited from reunifying with their families if their family lives in any form of public housing.

Moreover, we know that longer sentences do not work as deterrence. Certainty and swiftness of a conviction are the primary ways that the criminalization of behavior works to deter that behavior. Research shows clearly that the chance of being caught is a vastly more effective deterrent than even draconian punishment.¹ It is important for everyone to work together to end stalking. Findings from the National Intimate Partner and Sexual Violence Survey highlight the importance of early prevention and support efforts. According to NISVS these efforts can include:

- Empowering everyone to understand, recognize, and address stalking.
- Mobilizing men and boys as allies in prevention efforts.
- Enacting programs and policies that promote healthy relationships and safe environments.

Prioritizing prevention and education and investing in community resources, infrastructure, and systemic supports.

Survivors of violence are not always looking for an increased incarceration. It follows that the domestic violence community is moving away from carceral solutions to violence. For example, the House of Ruth has started a hotline for abusers to call to seek treatment and preventative strategies. Senate Bill 512 is not a step in the right direction.

For these reasons, the Maryland Office of the Public Defender urges this Committee to issue an unfavorable report on Senate Bill 512.

Submitted by: Government Relations Division of the Maryland Office of the Public Defender.

¹ <https://nij.ojp.gov/topics/articles/five-things-about-deterrence>.