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The Honorable Sandy Bartlett  
Chair, House Judiciary Committee  
6 Bladen Street  
Annapolis, MD 21401

Dear Chair Bartlett and Committee Members:

On behalf of the Maryland State's Attorney's Association and the Montgomery County State's Attorney's Office, I write in support of SB512, 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 Fatality Review Team. I am a member of the Governor's Family Violence Council and co-chair, along with Joyce King, Deputy State's Attorney for Frederick County, of the Maryland State's Attorneys' Association's Special Victims' Subcommittee, which includes representatives from jurisdictions across the state.

Approximately 1 in 3 women and 1 in 6 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 or other court order in effect against them at the time the offense was committed (for example, a pretrial release or probation condition). If any of these circumstances are present, then stalking becomes a felony with a 10 year maximum penalty or \$10,000.

Like 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 or court order or are repeat offenders.

I urge the House Judiciary Committee to issue a favorable report on SB512.

Sincerely,



Debbie Feinstein  
Senior Assistant State's Attorney  
Co-Chair, MSSA Special Victims Subcommittee

Sources:

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