

HOUSE BILL 510

E1

11r0312

By: **Delegates Waldstreicher, Anderson, Carter, Clippinger, Lee, McComas, Niemann, and Wilson**

Introduced and read first time: February 7, 2011

Assigned to: Judiciary

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 20, 2011

CHAPTER _____

1 AN ACT concerning

2 **Criminal Law – ~~Peace Orders, Stalking, and Harassment~~ – Penalties**

3 FOR the purpose of ~~altering the penalty for the second or subsequent offense of failure~~
4 ~~to comply with the relief granted in an interim, a temporary, or a final peace~~
5 ~~order; altering the definition of stalking to include communicating with another~~
6 ~~in a certain manner and knowingly cause another mental distress under certain~~
7 ~~circumstances; altering the penalty for harassment for a second or subsequent~~
8 ~~offense; and generally relating to peace orders and the offenses of stalking and~~
9 ~~harassment.~~

10 ~~BY repealing and reenacting, with amendments,~~
11 ~~Article – Courts and Judicial Proceedings~~
12 ~~Section 3–1508~~
13 ~~Annotated Code of Maryland~~
14 ~~(2006 Replacement Volume and 2010 Supplement)~~

15 BY repealing and reenacting, with amendments,
16 Article – Criminal Law
17 Section ~~3–802~~ and 3–803
18 Annotated Code of Maryland
19 (2002 Volume and 2010 Supplement)

20 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
21 MARYLAND, That the Laws of Maryland read as follows:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 ~~Article – Courts and Judicial Proceedings~~

2 ~~§ 1508.~~

3 (a) ~~An individual who fails to comply with the relief granted in an interim~~
 4 ~~peace order under § 3-1503.1 of this subtitle, a temporary peace order under~~
 5 ~~§ 3-1504(a)(2) of this subtitle, or a final peace order under § 3-1505(d)(1)(i), (ii), (iii),~~
 6 ~~or (iv) of this subtitle is guilty of a misdemeanor and on conviction is subject, for each~~
 7 ~~offense, to:~~

8 (1) ~~FOR A FIRST OFFENSE, a fine not exceeding \$1,000 or~~
 9 ~~imprisonment not exceeding 90 days or both; AND~~

10 (2) ~~FOR A SECOND OR SUBSEQUENT OFFENSE, A FINE NOT~~
 11 ~~EXCEEDING \$2,500 OR IMPRISONMENT NOT EXCEEDING 1 YEAR OR BOTH.~~

12 (b) ~~A law enforcement officer shall arrest with or without a warrant and take~~
 13 ~~into custody an individual who the officer has probable cause to believe is in violation~~
 14 ~~of an interim peace order, temporary peace order, or final peace order in effect at the~~
 15 ~~time of the violation.~~

16 Article – Criminal Law

17 ~~§ 302.~~

18 (a) ~~In this section, “stalking” means a malicious course of conduct that~~
 19 ~~includes approaching [or], pursuing, OR COMMUNICATING WITH another [where] IN~~
 20 ~~A MANNER THAT INDICATES the person intends to [place], or knows or reasonably~~
 21 ~~should [have known the conduct would] KNOW WILL, CAUSE ANOTHER MENTAL~~
 22 ~~DISTRESS OR place another in reasonable fear:~~

23 (1) (i) ~~of serious bodily injury;~~

24 (ii) ~~of an assault in any degree;~~

25 (iii) ~~of rape or sexual offense as defined by §§ 3-303 through~~
 26 ~~3-308 of this article or attempted rape or sexual offense in any degree;~~

27 (iv) ~~of false imprisonment; or~~

28 (v) ~~of death; or~~

29 (2) ~~that a third person likely will suffer any of the acts listed in item~~
 30 ~~(1) of this subsection.~~

1 ~~(b) The provisions of this section do not apply to conduct that is:~~

2 ~~(1) performed to ensure compliance with a court order;~~

3 ~~(2) performed to carry out a specific lawful commercial purpose; or~~

4 ~~(3) authorized, required, or protected by local, State, or federal law.~~

5 ~~(e) A person may not engage in stalking.~~

6 ~~(d) A person who violates this section is guilty of a misdemeanor and on~~
7 ~~conviction is subject to imprisonment not exceeding 5 years or a fine not exceeding~~
8 ~~\$5,000 or both.~~

9 ~~(e) A sentence imposed under this section may be separate from and~~
10 ~~consecutive to or concurrent with a sentence for any other crime based on the acts~~
11 ~~establishing a violation of this section.~~

12 3-803.

13 (a) A person may not follow another in or about a public place or maliciously
14 engage in a course of conduct that alarms or seriously annoys the other:

15 (1) with the intent to harass, alarm, or annoy the other;

16 (2) after receiving a reasonable warning or request to stop by or on
17 behalf of the other; and

18 (3) without a legal purpose.

19 (b) This section does not apply to a peaceable activity intended to express a
20 political view or provide information to others.

21 (c) A person who violates this section is guilty of a misdemeanor and on
22 conviction is subject to:

23 **(1) FOR A FIRST OFFENSE, imprisonment not exceeding 90 days or a**
24 **fine not exceeding \$500 or both; AND**

25 **(2) FOR A SECOND OR SUBSEQUENT OFFENSE, IMPRISONMENT**
26 **NOT EXCEEDING 180 DAYS OR A FINE NOT EXCEEDING \$1,000 OR BOTH.**

27 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
28 October 1, 2011.