

Chapter 49

(Senate Bill 138)

AN ACT concerning

Stalking – Violation of Conditions of Release ~~and Disqualifying Crime~~

FOR the purpose of including the crime of stalking in the list of charges to which a certain prohibition against violating a certain condition of pretrial or posttrial release is applicable; ~~altering a certain definition of “convicted of a disqualifying crime” to include a case in which a person received probation before judgment for a certain crime of stalking;~~ and generally relating to the crime of stalking.

BY repealing and reenacting, with amendments,
Article – Criminal Procedure
Section 5–213.1
Annotated Code of Maryland
(2018 Replacement Volume)

~~BY repealing and reenacting, with amendments,
Article – Public Safety
Section 5–101(b–1)
Annotated Code of Maryland
(2018 Replacement Volume)~~

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

Article – Criminal Procedure

5–213.1.

(a) A person may not violate a condition of pretrial or posttrial release prohibiting the person from contacting, harassing, or abusing an alleged victim or going in or near an alleged victim’s residence or place of employment if the person is charged with committing:

(1) a violation of Title 3, Subtitle 3 of the Criminal Law Article against a victim who is a minor;

(2) a crime of violence as defined in § 5–101 of the Public Safety Article;
[or]

(3) a crime against a victim who is a person eligible for relief as defined in § 4–501 of the Family Law Article; **OR**

(4) A VIOLATION OF § 3-802 OF THE CRIMINAL LAW ARTICLE.

(b) A person who violates subsection (a) of this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 90 days.

~~Article—Public Safety~~

~~5-101.~~

~~(b-1) (1) “Convicted of a disqualifying crime” includes A CASE IN WHICH A PERSON RECEIVED PROBATION BEFORE JUDGMENT:~~

~~(i) [a case in which a person received probation before judgment] for a crime of violence; [and]~~

~~(ii) [a case in which a person received probation before judgment] in a domestically related crime as defined in § 6-233 of the Criminal Procedure Article; OR~~

~~(iii) FOR STALKING, AS DEFINED IN § 3-802 OF THE CRIMINAL LAW ARTICLE.~~

~~(2) “Convicted of a disqualifying crime” does not include a case in which a person received a probation before judgment:~~

~~(i) for assault in the second degree, unless the crime was a domestically related crime as defined in § 6-233 of the Criminal Procedure Article; or~~

~~(ii) that was expunged under Title 10, Subtitle 1 of the Criminal Procedure Article.~~

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2019.

Approved by the Governor, April 18, 2019.