



*Celebrating 50 Years of Advancing Justice*

**Listen. Engage. Advocate**

**Urgent Alert! Calls and Emails Needed on Stalking and Spousal Defense Today!**

**HB148** and **HB153** are two of our priority bills. The House Judiciary Committee will be voting on both of these bills at 2pm today. **We need you to call or email members of the Committee, especially if one of the members is your Delegate.** Contact information for members of the committee is at the bottom of this email.

**HB148 - Criminal Law - Stalking - Definition** seeks to expand the current stalking statute to include electronic communication and tracking devices.

The original stalking statute was passed at a time before the existence of electronic methods of communication and tracking a person. As such, the stalking statute in its current form only addresses physical forms of following a victim. Nowadays, most stalking is 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; and, installing spyware on a victim's computer.

Victims who are subjected to these forms of electronic stalking live in almost-constant fear. They never know when, where or how an abuser might conceal a tracking or listening device and use it to follow, track or spy on their daily activities. Victims who move to a secure location for safety purposes or who change their routines in order to avoid their abusers are left to wonder if their new location is truly safe or if their abusers will find out by using a variety of technologies to locate them.

Under the proposed change in the law, such actions could be considered stalking if the victim can prove that the perpetrator intended to cause or knew or reasonable should have known that the conduct would cause serious emotional distress. This would bring the law in line with the forms of stalking that are mostly widely used today.

**HB153 - Criminal Law - Sexual Crimes - Repeal of Spousal Defense** seeks to repeal the current statute that makes marriage a defense to some sex crimes. Sexual Assault disproportionately affects women. Like many states, Maryland's laws were based on the premise that marriage was consent to sex and that, therefore, a man could not rape his wife. Unlike many states, Maryland has not yet firmly rejected that antiquated and fundamentally disrespectful concept.

Criminal Law §3-318 provides that marriage is a defense to certain sex crimes. We have made some progress: Spouses can be prosecuted for any sex crime if they have a limited divorce or for some sex crimes if they have been separated for three months or have a written separation agreement. Finally, if the rape involved actual force or threat of force, marriage is not a defense. **For other sex crimes, marriage is a complete defense.** This bill repeals Criminal Law §3-318. Marriage should never be a defense to a sex crime.

**Please contact members of the House Judiciary Committee NOW to urge their support for HB148 and HB153.**

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Short on time? Here are the email addresses for the House Judiciary Committee members that you can cut and paste into your email application:

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#### About The Women's Law Center of Maryland

The vision of the Women's Law Center of Maryland is a legal system that provides justice and fairness for women. The Women's Law Center's mission is to ensure the physical safety, economic security, and autonomy of women throughout the State. We work towards this goal by providing direct legal representation, information and referral services, and legislative advocacy.

**Our efforts to promote justice, fairness, and equality for women are only possible because of friends like you.**

Give Today

*The Women's Law Center of Maryland, Inc. is a charitable organization designated as tax-exempt under Internal Revenue Code section 501(c)(3). A copy of our financial statement is available upon request. Documents and information submitted under the State of Maryland Charitable Solicitations Act are available from the Office of the Secretary of State of Maryland, Annapolis, MD 21401 for the cost of copying and postage.*

