

## Stop Street Harassment

# Maryland

A variety of forms of street harassment are illegal in Maryland, including verbal harassment, up-skirt photos, indecent exposure, following, and groping. Here are the laws and reporting procedures you need to know.

### Verbal Harassment

There are three laws in Maryland that prohibit some form of verbal harassment.

#### ***Disturbing the Peace and Disorderly Conduct***

[Md. Criminal Law, Title 10, Subtitle 2 §201](#)

Maryland has a broad law against “disturbing the peace and disorderly conduct” that prohibits a number of actions, including:

- “Willfully and without lawful purpose obstruct[ing] or hinder[ing] the free passage of another in a public place or on a public conveyance” (any form of public transportation).
- Acting “in a disorderly manner that disturbs the public peace.”
- Failing “to obey a reasonable and lawful order that a law enforcement officer makes to prevent a disturbance to the public peace.”

The statute does not define “a disorderly manner” or a disturbance of the public peace, but these phrases generally refer to things like using offensive language and fighting. If a street harasser is yelling at you, insulting you, using obscene language, or otherwise making a scene, you can report him or her for disturbing the peace and disorderly conduct.

**Penalty:** Disturbing the public peace and disorderly conduct is a misdemeanor, punishable by a fine of up to \$500 and/or up to 60 days in jail.

#### ***Harassment***

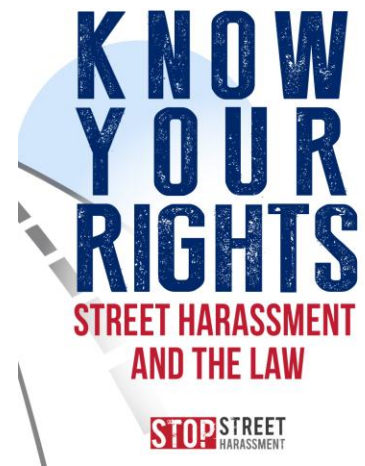
[Md. Criminal Law, Title 3, Subtitle 8 §803](#)

Maryland’s harassment addresses people who, with the intent to harass, alarm or annoy,

- Follow you “in or about a public place,” such as following you down the sidewalk or through a park.
- “Maliciously engage in a course of conduct that alarms or seriously annoys.”

If a street harasser follows you or repeatedly annoys or alarms you with what s/he is saying, you can report him/her.

- Note: Under this statute, you must first tell him or her to stop bothering you via a “reasonable warning or request.” This could be a simple request to leave you alone, a clear, “Stop harassing me!” or a warning that if s/he does not leave, you will call the police. However you choose to handle the situation, know that if someone continues to follow or purposefully annoy you after being told to stop, you can report him/him.



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Penalty: Harassment is a misdemeanor, punishable by a fine of up to \$500 and/or up to 90 days in jail.

### ***Soliciting Prostitution***

[Md. Criminal Law, Title 11, Subtitle 3 §306a\(5\)](#)

Soliciting or offering to solicit for prostitution is illegal in Maryland under a law entitled “house of prostitution.” If a street harasser solicits sexual activity from you, you can report him/her.

You can also make the case that harassers who yell, “How much?!” or offer you money, or anything else, for sex, even in jest, are soliciting prostitution.

Stop Street Harassment doesn’t oppose consensual sex work, but we do think it’s inappropriate for a street harasser to make assumptions about your sexual availability and make you feel uncomfortable.

Penalty: Soliciting prostitution is a misdemeanor, punishable by a fine of up to \$500 and/or up to 1 year in jail.

### **Unlawful Filming/Photography:**

#### ***Visual Surveillance with Prurient Intent***

[Md. Criminal Law, Title 3, Subtitle 9 §902](#)

It is illegal in Maryland for anyone to:

1. Observe a non-consenting person – including surveillance by direct sight, by mirror, or by camera – in a private place where that person should reasonably expect privacy while changing or disrobing.

If a harasser records you while you are in a private place like your own home or public restrooms, dressing rooms, or locker rooms, you can report him/her.

2. Observe any private area of a non-consenting person’s body via a camera and “under circumstances in which a reasonable person would believe that the private area of the individual would not be visible to the public, regardless of whether the individual is in a public or private place.”

If a street harasser takes an up-skirt or down-blouse photo of you, or otherwise observes or photographs you in an inappropriate way, you can report him or her to the police for visual surveillance with prurient intent. (Prurient means of an excessive sexual interest.)

Penalty: Visual surveillance with prurient interest is a misdemeanor, punishable by a fine of up to \$2,500 and/or up to 1 year in jail. In addition, the statute states that anyone who is illegally surveilled has a cause of action for a civil suit and may seek damages in court.

## Stop Street Harassment

### **Indecent Exposure**

#### ***Indecent Exposure***

[Md. Criminal Law, Title 11, Subtitle 1 §107](#)

Maryland's indecent exposure law is quite vague, stating simply that, "a person convicted of indecent exposure is guilty of a misdemeanor." Indecent exposure is usually defined as the exposing one's genitals or buttocks in a public place, under circumstances that are likely to offend or alarm others.

If a street harasser flashes you or exposes him or herself to you in Maryland, you can report that person for indecent exposure.

Penalty: Indecent exposure is a misdemeanor, punishable by a fine of up to \$1,000 and/or 3 years in prison.

### **Following**

If you think someone is following you, you can call 911 right away, the first time it happens. You do not have to wait for that person to commit a crime.

#### ***Stalking***

[Md. Criminal Code, Title 3, Subtitle 8 §802](#)

Stalking is defined as "a malicious course of conduct that includes approaching or pursuing another" in which the harasser knows or reasonably should know that his or her conduct will create the fear of serious bodily injury, assault, rape, kidnapping, or death. A course of conduct is defined as "a persistent pattern of conduct, composed of a series of acts over time that show a continuity of purpose."

If the same person, on more than one occasion, follows you or harasses you and you feel threatened and unsafe, you can report that person.

Penalty: Stalking is a misdemeanor, punishable by a fine of up to \$5,000 and/or up to 5 years in prison.

### **Groping**

#### ***Sexual Offense in the Fourth Degree***

[Md. Criminal Code, Title 3, Subtitle 3 §308](#)

Sexual contact is intentionally touching a non-consenting person's "genital, anal, or other intimate area for sexual arousal or gratification," or for abuse.

If a street harasser grabs your crotch, butt, or breasts – whether on the street, in a store, on public transportation, or any place at all – you can report him/her.

Penalty: A sexual offense in the fourth degree is a misdemeanor, punishable by a fine of up to \$1,000 and/or up to 1 year in jail.

## Stop Street Harassment

### Reporting Crimes to the Police

- Call 911 for help if:
  - The crime is in progress
  - You or someone else is physically hurt or have been threatened with physical violence
  - You can provide information about who may have committed a crime.
- Call the local police office's non-emergency number to submit a report afterward. For example, in Annapolis, this number is (410) 222-8610 and in Baltimore it's 311, or (443) 236-2220 if you're outside of the city. In Columbia, it's (410) 313-2200. Be prepared to provide them with:
  - When it happened (date and time).
  - Where it happened (street location, store location, bus line or bus stop, park name, etc).
  - Who is reporting (your name and contact information).
  - A description of what happened.
  - The name and contact information of witnesses, if you spoke to any.
  - It can be helpful to include the law the crime falls under, such as Harassment, [Md. Criminal law Code Ann. § 3-803](#). If you're not sure which law you should use to report an incident of street harassment, just tell the police what happened and s/he or the district attorney's office can determine the appropriate charges.
  - A description of the harasser/s.
- Many police departments also have online reporting forms, for example, in [Annapolis](#), you can use this form to report crimes like disorderly conduct. In [Columbia](#), you can use this form to report things like harassing phone calls.
- Some police departments also allow you to anonymously send a tip about a non-emergency incident, for example if you see a group of people routinely harassing passersby at the same location. Visit your local police department website for information.
  - In Baltimore, you can do this by calling 410-276-8888 or by submitting their [web form](#).
  - In Annapolis or Columbia, you can do this submitting a [web form](#), as well.
  - You can also text the number 274637 (CRIMES) and begin the message with "MCS" for all three cities.
- Once you've reported a crime, if you've provided your contact information, within a few days, you will receive a call with a police report case number and may have to answer follow-up questions. Save a copy of the police report for your records.

If someone tries to tell you that street harassment "isn't a big deal," or isn't illegal, don't buy it. You always have the right to be free from sexual harassment and assault in public.