

By: Representative Scott (80th)

To: Judiciary B

## HOUSE BILL NO. 201

1 AN ACT TO AMEND SECTION 97-3-107, MISSISSIPPI CODE OF 1972,  
2 TO REVISE THE PENALTIES FOR STALKING; AND FOR RELATED PURPOSES.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

4 SECTION 1. Section 97-3-107, Mississippi Code of 1972, is  
5 amended as follows:

6 97-3-107. (1) Any person who willfully, maliciously and  
7 repeatedly follows or harasses another person, or who makes a  
8 credible threat, with the intent to place that person in  
9 reasonable fear of death or great bodily injury is guilty of the  
10 crime of stalking, and upon conviction thereof shall be punished  
11 by imprisonment in the county jail for not more than two (2) years  
12 or by a fine of not more than Five Thousand Dollars (\$5,000.00),  
13 or by both such fine and imprisonment.

14 (2) Any person who violates subsection (1) of this section  
15 when there is a temporary restraining order or an injunction in  
16 effect prohibiting the behavior described in subsection (1) of  
17 this section against the same party, shall be punishable by  
18 imprisonment in the county jail for not more than two (2) years  
19 and by a fine of not more than Five Thousand Dollars (\$5,000.00).

20 (3) A second or subsequent conviction occurring within seven  
21 (7) years of a prior conviction under subsection (1) of this  
22 section against the same victim, and involving an act of violence  
23 or "a credible threat" of violence as defined in subsection (5) of  
24 this section, shall be punishable by imprisonment for not more  
25 than five (5) years and by a fine of not more than Ten Thousand  
26 Dollars (\$10,000.00).

27           (4) For the purposes of this section, "harasses" means a  
28 knowing and willful course of conduct directed at a specific  
29 person which seriously alarms, annoys, or harasses the person, and  
30 which serves no legitimate purpose. The course of conduct must be  
31 such as would cause a reasonable person to suffer substantial  
32 emotional distress, and must actually cause substantial emotional  
33 distress to the person. "Course of conduct" means a pattern of  
34 conduct composed of a series of acts over a period of time,  
35 however short, evidencing a continuity of purpose.  
36 Constitutionally protected activity is not included within the  
37 meaning of "course of conduct."

38           (5) For the purposes of this section, "a credible threat"  
39 means a threat made with the intent and the apparent ability to  
40 carry out the threat so as to cause the person who is the target  
41 of the threat to reasonably fear for his or her safety.

42           SECTION 2. This act shall take effect and be in force from  
43 and after its passage.