

By: Representatives Scott (80th), Bailey,  
Blackmon, Broomfield, Clark, Coleman (65th),  
Evans, Gibbs, Ketchings, Middleton, Morris,  
Myers, Smith (27th), Thornton, Wallace,  
Watson

To: Judiciary B

## HOUSE BILL NO. 1400

1 AN ACT TO AMEND SECTION 97-3-107, MISSISSIPPI CODE OF 1972,  
2 TO REQUIRE THAT PERSONS CONVICTED OF THE CRIME OF STALKING SHALL  
3 RECEIVE COUNSELING AND SHALL FULFILL DUTIES IN COMMUNITY SERVICE;  
4 AND FOR RELATED PURPOSES.

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

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

8 97-3-107. (1) Any person who willfully, maliciously and  
9 repeatedly follows or harasses another person, or who makes a  
10 credible threat, with the intent to place that person in  
11 reasonable fear of death or great bodily injury is guilty of the  
12 crime of stalking, and upon conviction thereof shall be punished  
13 by imprisonment in the county jail for not more than one (1) year  
14 or by a fine of not more than One Thousand Dollars (\$1,000.00), or  
15 by both such fine and imprisonment. Such person shall receive  
16 counseling and fulfill duties in community service as deemed  
17 appropriate by the court.

18 (2) Any person who violates subsection (1) of this section  
19 when there is a temporary restraining order or an injunction in  
20 effect prohibiting the behavior described in subsection (1) of  
21 this section against the same party, shall be punishable by  
22 imprisonment in the county jail for not more than one (1) year and  
23 by a fine of not more than One Thousand Dollars (\$1,000.00). Such  
24 person shall receive counseling and fulfill duties in community  
25 service as deemed appropriate by the court.

26 (3) A second or subsequent conviction occurring within seven  
27 (7) years of a prior conviction under subsection (1) of this

28 section against the same victim, and involving an act of violence  
29 or "a credible threat" of violence as defined in subsection (5) of  
30 this section, shall be punishable by imprisonment for not more  
31 than three (3) years and by a fine of not more than Two Thousand  
32 Dollars (\$2,000.00). Such person shall receive counseling and  
33 fulfill duties in community service as deemed appropriate by the  
34 court.

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

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

50 SECTION 2. This act shall take effect and be in force from  
51 and after July 1, 1999.