

By: Senator(s) Hewes

To: Judiciary

SENATE BILL NO. 2746

1 AN ACT TO AMEND SECTION 97-3-107, MISSISSIPPI CODE OF 1972,  
2 TO PROVIDE THAT THE SECOND OFFENSE OF STALKING SHALL BE A FELONY;  
3 TO INCREASE CERTAIN FINES; AND FOR RELATED PURPOSES. BE IT  
4 ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

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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.

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

22 (3) A second or subsequent conviction occurring within seven  
23 (7) years of a prior conviction under subsection (1) of this  
24 section against the same victim, and involving an act of violence  
25 or "a credible threat" of violence as defined in subsection (5) of  
26 this section, shall be a felony and shall be punishable by  
27 imprisonment for not more than three (3) years and by a fine of

28 not more than Three Thousand Dollars (\$3,000.00).

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

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

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