AN ACT TO AMEND SECTION 97-3-107, MISSISSIPPI CODE OF 1972,  
to revise the offense of stalking and the penalties for violations  
thereof; and for related purposes.

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

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

97-3-107. (1) Any person who willfully, maliciously and  
repeatedly follows or harasses another person, or who makes a  
credible threat, with the intent to place that person in  
reasonable fear of death or great bodily injury is guilty of the  
crime of stalking, and upon conviction thereof shall be punished  
by imprisonment in the county jail for not more than one (1) year  
or by a fine of not more than One Thousand Dollars ($1,000.00), or  
by both such fine and imprisonment.

(2) Any person who violates subsection (1) of this section  
when there is a valid temporary restraining order, ex parte  
protective order, protective order after hearing, court approved  
consent agreement, or an injunction issued by a municipal,  
justice, county, circuit or chancery court, federal or tribal  
court or by a foreign court of competent jurisdiction in effect  
prohibiting the behavior described in subsection (1) of this  
section against the same party, shall be punishable by  
imprisonment in the county jail for not more than one (1) year and  
by a fine of not more than One Thousand Five Hundred Dollars  
($1,500.00).

(3) A second or subsequent conviction occurring within seven
(7) years of a prior conviction under subsection (1) of this section against the same victim, and involving an act of violence or "a credible threat" of violence as defined in subsection (5) of this section, shall be punishable by imprisonment for not more than three (3) years and by a fine of not more than Two Thousand Dollars ($2,000.00).

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

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

SECTION 2. This act shall take effect and be in force from and after July 1, 2000.