

By: Scott (80th)

To: Judiciary B

HOUSE BILL NO. 1156

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, 2000.