

By: Hewes

To: Judiciary

SENATE BILL NO. 2203

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.

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

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

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

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

21 (3) A second or subsequent conviction occurring within seven

22 (7) years of a prior conviction under subsection (1) of this
23 section against the same victim, and involving an act of violence
24 or "a credible threat" of violence as defined in subsection (5) of
25 this section, shall be a felony and shall be punishable by
26 imprisonment for not more than three (3) years and by a fine of
27 not more than Three Thousand Dollars (\$3,000.00).

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

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

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