

**\*\*\*Adopted\*\*\***

**AMENDMENT No. 1 PROPOSED TO**

**House Bill NO. 565**

**By Senator(s) Committee**

5        **Amend by striking all after the enacting clause and inserting**  
6 **in lieu thereof the following:**

7

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

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

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

28 (\$1,500.00).

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

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

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

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