

By: Senator(s) Dearing

To: Judiciary, Division B

SENATE BILL NO. 2818

1 AN ACT TO AMEND SECTION 97-3-107, MISSISSIPPI CODE OF 1972,  
2 TO PROVIDE THAT CERTAIN STALKING VIOLATIONS BY REGISTERED SEX  
3 OFFENDERS SHALL BE FELONIES; 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. A violation of this  
15 subsection by a person required to register as a sex offender  
16 under Title 45, Chapter 33, in this state or any other  
17 jurisdiction, where the victim is under the age of eighteen (18)  
18 years, is a felony subject to a fine of Two Thousand Dollars  
19 (\$2,000.00) and imprisonment for two (2) years in the State  
20 Penitentiary.

21 (2) Any person who violates subsection (1) of this section  
22 when there is a valid temporary restraining order, ex parte  
23 protective order, protective order after hearing, court approved  
24 consent agreement or an injunction issued by a municipal, justice,  
25 county, circuit or chancery court, federal or tribal court or by a  
26 foreign court of competent jurisdiction in effect prohibiting the  
27 behavior described in subsection (1) of this section against the

28 same party, shall be punishable by imprisonment in the county jail  
29 for not more than one (1) year and by a fine of not more than One  
30 Thousand Five Hundred Dollars (\$1,500.00). A violation of this  
31 subsection by a person required to register as a sex offender  
32 under Title 45, Chapter 33, in this state or any other  
33 jurisdiction, where the victim is under the age of eighteen (18)  
34 years, is a felony subject to a fine of Three Thousand Dollars  
35 (\$3,000.00) and imprisonment for two (2) years in the State  
36 Penitentiary.

37 (3) A second or subsequent conviction occurring within seven  
38 (7) years of a prior conviction under subsection (1) of this  
39 section against the same victim, and involving an act of violence  
40 or "a credible threat" of violence as defined in subsection (5) of  
41 this section, shall be punishable by imprisonment for not more  
42 than three (3) years and by a fine of not more than Two Thousand  
43 Dollars (\$2,000.00). A second or subsequent conviction under this  
44 subsection by a person required to register as a sex offender  
45 under Title 45, Chapter 33, in this state or any other  
46 jurisdiction where the victim is under the age of eighteen (18)  
47 years, is punishable by imprisonment for six (6) years in the  
48 State Penitentiary and a fine of Four Thousand Dollars  
49 (\$4,000.00).

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

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

65           **SECTION 2.** This act shall take effect and be in force from  
66 and after its passage.