

By: Fredericks, Clarke, Coleman (29th),
Coleman (65th), Ellis, Jennings, Peranich,
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To: Judiciary B

HOUSE BILL NO. 565
(As Sent to Governor)

1 AN ACT TO AMEND SECTION 97-3-107, MISSISSIPPI CODE OF 1972,
2 TO REVISE THE OFFENSE OF STALKING AND THE PENALTIES FOR VIOLATIONS
3 THEREOF; 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 valid temporary restraining order, ex parte
17 protective order, protective order after hearing, court approved
18 consent agreement, or an injunction issued by a municipal,
19 justice, county, circuit or chancery court, federal or tribal
20 court or by a foreign court of competent jurisdiction in effect
21 prohibiting the behavior described in subsection (1) of this
22 section against the same party, shall be punishable by
23 imprisonment in the county jail for not more than one (1) year and
24 by a fine of not more than One Thousand Five Hundred Dollars
25 (\$1,500.00).

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).

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

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

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