

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2017

A N A C T

RELATING TO CRIMINAL OFFENSES - STALKING

Introduced By: Senators Nesselbush, Sosnowski, Quezada, Lynch Prata, and Gallo

Date Introduced: February 16, 2017

Referred To: Senate Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Chapter 11-59 of the General Laws entitled "Stalking" is hereby repealed in
2 its entirety.

3 ~~CHAPTER 11-59~~

4 ~~Stalking~~

5 ~~**11-59-1. Definitions.**~~

6 ~~For the purpose of this chapter:~~

7 ~~(1) "Course of conduct" means a pattern of conduct composed of a series of acts over a~~
8 ~~period of time, evidencing a continuity of purpose. Constitutionally protected activity is not~~
9 ~~included within the meaning of "course of conduct."~~

10 ~~(2) "Harasses" means a knowing and willful course of conduct directed at a specific~~
11 ~~person with the intent to seriously alarm, annoy, or bother the person, and which serves no~~
12 ~~legitimate purpose. The course of conduct must be such as would cause a reasonable person to~~
13 ~~suffer substantial emotional distress, or be in fear of bodily injury.~~

14 ~~**11-59-2. Stalking prohibited.**~~

15 ~~(a) Any person who: (1) harasses another person; or (2) willfully, maliciously, and~~
16 ~~repeatedly follows another person with the intent to place that person in reasonable fear of bodily~~
17 ~~injury, is guilty of the crime of stalking.~~

18 ~~(b) Stalking shall be deemed a felony punishable by imprisonment for not more than five~~
19 ~~(5) years, by a fine of not more than ten thousand dollars (\$10,000), or both.~~

1 SECTION 2. Title 11 of the General Laws entitled "CRIMINAL OFFENSES" is hereby
2 amended by adding thereto the following chapter:

3 CHAPTER 59.1

4 STALKING

5 **11-59.1-1. Legislative intent.**

6 The legislature finds that stalking is a serious problem in the state of Rhode Island and
7 nationwide. Stalking involves severe intrusions on the victim's personal privacy and autonomy. It
8 is a crime that causes a long-lasting impact on the victim's quality of life, and creates risks to the
9 security and safety of the victim and others, even in the absence of express threats of physical
10 harm. Stalking conduct often becomes increasingly violent over time. The legislature recognizes
11 the dangerous nature of stalking as well as the strong connections between stalking and domestic
12 violence and seeks to encourage effective intervention by the criminal justice system to prevent
13 stalking from escalating into behavior that has serious or lethal consequences. The legislature
14 intends to enact a stalking statute that permits the criminal justice system to hold stalkers
15 accountable for a wide range of acts, communications, and conduct. The legislature recognizes
16 that stalking includes, but is not limited to, a pattern of following, observing, or monitoring the
17 victim, or committing violent or intimidating acts against the victim, regardless of the means.

18 **11-59.1-2. Stalking prohibited.**

19 A person is guilty of stalking if that person purposefully engages in a course of conduct
20 directed at a specific person and knows or should know that the course of conduct would cause a
21 reasonable person to:

22 (1) Fear for their safety or the safety of a third person; or

23 (2) Suffer other emotional distress.

24 **11-59.1-3. Definitions.**

25 As used in this chapter:

26 (1) "Course of conduct" means two (2) or more acts, including, but not limited to, acts in
27 which a person directly, indirectly, or through third parties, by any action, method, device, or
28 means, follows, monitors, observes, surveils, threatens, or communicates to or about another
29 person, or interferes with another person's property.

30 (2) "Emotional distress" means significant mental suffering or distress that may, but does
31 not necessarily require medical or other professional treatment or counseling.

32 (3) "Reasonable person" means a reasonable person in the victim's circumstances.

33 **11-59.1-4. Defenses.**

34 In any prosecution under this law:

- 1 (1) It shall not be a defense that:
2 (i) The actor was not given actual notice that the course of conduct was unwanted; or
3 (ii) The actor did not intend to cause the victim fear or other emotional distress.
4 (2) It is an affirmative defense that the person charged was engaged in lawful picketing.

5 **11-59.1-5. Penalties for stalking.**

6 (a) Any person convicted pursuant to this chapter may be punished by imprisonment for
7 not more than five (5) years.

8 (b) Any person convicted pursuant to this chapter may be punished by imprisonment for
9 not more than ten (10) years if a person is guilty of stalking and one or more of the following
10 aggravating factors are proven to exist:

11 (1) The person is age twenty-one (21) or older and the victim is under the age of fourteen
12 (14); or

13 (2) The person violated any order prohibiting contact with the victim; or

14 (3) The person was convicted of stalking any person within the previous ten (10) years;
15 or

16 (4) The person was convicted of a crime of sexual assault against any person within the
17 previous twenty (20) years; or

18 (5) The course of conduct includes a threat of death, a threat of sexual assault, or a threat
19 of serious physical injury to the victim, or to another person; or

20 (6) The person causes physical injury to the victim.

21 **11-59.1-6. Jurisdiction.**

22 Rhode Island courts have jurisdiction over the prosecution of a violation of this chapter if
23 one or more acts in a course of conduct occurs within this state.

24 SECTION 3. This act shall take effect upon passage.

=====
LC001322
=====

EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO CRIMINAL OFFENSES - STALKING

1 This act would prohibit stalking, defined as a course of conduct by anyone who may
2 cause a reasonable person to either fear for their own safety or the safety of a third person or
3 cause a reasonable person to suffer emotional distress. This act would also enumerate the
4 penalties for stalking.

5 This act would take effect upon passage.

=====
LC001322
=====