

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact § 18.2-60.3 of the Code of Virginia, relating to stalking.*

3 [H 456]

4 Approved

5 **Be it enacted by the General Assembly of Virginia:**6 **1. That § 18.2-60.3 of the Code of Virginia is amended and reenacted as follows:**

7 § 18.2-60.3. Stalking; penalty.

8 A. Any person, *except a law-enforcement officer, as defined in § 9.1-101, and acting in the*
9 *performance of his official duties, and a registered private investigator, as defined in § 9.1-138, who is*
10 *regulated in accordance with § 9.1-139 and acting in the course of his legitimate business,* who on more
11 than one occasion engages in conduct directed at another person with the intent to place, or when he
12 knows or reasonably should know that the conduct places that other person in reasonable fear of death,
13 criminal sexual assault, or bodily injury to that other person or to that other person's family or
14 household member is guilty of a Class 1 misdemeanor.15 B. A third or subsequent conviction occurring within five years of a conviction for an offense under
16 this section or for a similar offense under the law of any other jurisdiction shall be a Class 6 felony.17 C. A person may be convicted under this section irrespective of the jurisdiction or jurisdictions
18 within the Commonwealth wherein the conduct described in subsection A occurred, if the person
19 engaged in that conduct on at least one occasion in the jurisdiction where the person is tried. Evidence
20 of any such conduct that occurred outside the Commonwealth may be admissible, if relevant, in any
21 prosecution under this section provided that the prosecution is based upon conduct occurring within the
22 Commonwealth.23 D. Upon finding a person guilty under this section, the court shall, in addition to the sentence
24 imposed, issue an order prohibiting contact between the defendant and the victim or the victim's family
25 or household member.26 E. The Department of Corrections, sheriff or regional jail director shall give notice prior to the
27 release from a state correctional facility or a local or regional jail of any person incarcerated upon
28 conviction of a violation of this section, to any victim of the offense who, in writing, requests notice, or
29 to any person designated in writing by the victim. The notice shall be given at least fifteen days prior to
30 release of a person sentenced to a term of incarceration of more than thirty days or, if the person was
31 sentenced to a term of incarceration of at least forty-eight hours but no more than thirty days,
32 twenty-four hours prior to release. If the person escapes, notice shall be given as soon as practicable
33 following the escape. The victim shall keep the Department of Corrections, sheriff or regional jail
34 director informed of the current mailing address and telephone number of the person named in the
35 writing submitted to receive notice.36 All information relating to any person who receives or may receive notice under this subsection shall
37 remain confidential and shall not be made available to the person convicted of violating this section.38 For purposes of this subsection, "release" includes a release of the offender from a state correctional
39 facility or a local or regional jail (i) upon completion of his term of incarceration or (ii) on probation or
40 parole.41 No civil liability shall attach to the Department of Corrections nor to any sheriff or regional jail
42 director or their deputies or employees for a failure to comply with the requirements of this subsection.

43 F. For purposes of this section:

44 "Family or household member" has the same meaning as provided in § 16.1-228.

ENROLLED

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