

LD3340812

## SENATE BILL NO. 302

Offered January 25, 1994

*BILL to amend and reenact § 18.2-60.3 of the Code of Virginia, relating to stalking; penalty.*

Patrons—Robb and Stolle; Delegate: Way

Referred to the Committee for Courts of Justice

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

§ 18.2-60.3. Stalking; penalty.

A. Any person who on more than one occasion engages in conduct with the intent to cause emotional distress to another person by placing that person in reasonable fear of death or bodily injury shall be guilty of a Class 2 misdemeanor.

B. Any person who violates subsection A when there is a protective order or an injunction in effect prohibiting family abuse, as defined in § 16.1-228, against the individual who is the victim of the conduct described in subsection A, or prohibiting contact between the person and that same individual, shall be guilty of a Class 4 misdemeanor.

C. A second conviction occurring within five years of a first conviction for an offense under this section or for a similar offense under the law of any other jurisdiction shall be a Class 4 misdemeanor. A third conviction occurring within five years of a conviction for an offense under this section or for a similar offense under the law of any other jurisdiction shall be a Class 6 felony.

*Stalking is a purposeful course of conduct directed at a specific person that would cause such person to reasonably fear bodily injury to or death of himself or a member of his immediate family, if (i) the actor knows or should have known that the specific person will be placed in such fear of bodily injury or death by the actor's conduct and (ii) the acts induce the fear in the specific person of the bodily injury to or death of himself or a member of his immediate family.*

*Any person who violates the provisions of this section shall be guilty of a Class 1 misdemeanor. A second or subsequent violation of this section or a violation of this section occurring after a conviction for a similar offense under the law of another state or the United States shall be punishable as a Class 6 felony.*

*For purposes of this section:*

*"Course of conduct" means on two or more occasions (i) maintaining a visual or physical proximity to a person or (ii) conveying verbal or written threats or threats implied by conduct or (iii) a combination of such proximity or threats.*

*"Immediate family" means a spouse, parent, child, sibling, or any other person who regularly resides in the household or who, within the previous six months, regularly resided in the household.*

**2. That the provisions of this act may result in a net increase in periods of imprisonment in state correctional facilities. Pursuant to § 30-19.1:4, the estimated amount of the necessary appropriation is \$38,840.**

INTRODUCED

SB302