

LD7688761

SENATE BILL NO. 1056

Offered January 23, 1995

*A BILL to amend and reenact § 18.2-60.3 of the Code of Virginia, relating to stalking.*Patrons—Howell, Lucas, Miller, Y.B. and Woods; Delegates: Connally, Crittenden, Cunningham,
Darner, Puller, Rhodes and Van Landingham

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 directed at another person with the intent to place, or with the knowledge that the conduct places, that other person in reasonable fear of death, criminal sexual assault, or bodily injury to that other person or to that other person's spouse or child shall be guilty of a Class 2 misdemeanor.

B. However, any person who is convicted of a first offense in violation of subsection A when, at the time of the offense, there was in effect any order prohibiting contact between the defendant and the victim or the victim's spouse or child, shall be guilty of a Class 1 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 1 misdemeanor. A third or subsequent 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.

D. A person may be convicted under this section irrespective of the jurisdiction or jurisdictions within the Commonwealth wherein the conduct described in subsection A occurred, if the person engaged in that conduct on at least one occasion in the jurisdiction where the person is tried.

E. Upon finding a person guilty under this section, the court shall, in addition to the sentence imposed, issue an order prohibiting contact between the defendant and the victim or the victim's spouse or child.

F. The Department of Corrections, sheriff or regional jail director shall give notice not less than fifteen days prior to the release from a state correctional facility or a local or regional jail of any person incarcerated for a violation of this section, to any person the court identifies as (i) a victim of the offense, (ii) a family member of the victim, or (iii) a witness to the offense, by telephone and certified mail at such person's last known address, upon request. A victim, family member, or witness shall keep the Department of Corrections, sheriff or regional jail director informed of his or her current mailing address and telephone number to be entitled to receive notice. A victim may designate another person for the purpose of receiving notification. However, the duty to keep the Department of Corrections, sheriff or regional jail director informed of a current mailing address and telephone number shall remain with the victim.

All information relating to any person who receives or may receive notice under this subsection shall remain confidential and shall not be made available to the person convicted of violating this section.

For purposes of this subsection, "release" includes a release of the offender from a state correctional facility or a local or regional jail (i) upon completion of his term of incarceration or (ii) on probation or parole. "Release" shall also encompass an escape from incarceration by such offender.

INTRODUCED

SB1056