

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007

H

3

HOUSE BILL 887
Committee Substitute Favorable 5/22/07
Senate Judiciary I (Civil) Committee Substitute Adopted 6/26/08

Short Title: Amend Criminal Offense of Stalking.

(Public)

Sponsors:

Referred to:

March 20, 2007

A BILL TO BE ENTITLED

AN ACT TO CLARIFY AND EXPAND THE CRIMINAL OFFENSE OF STALKING
AND TO INCREASE THE PENALTY FOR STALKING.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 14-277.3 is repealed.

SECTION 2. Chapter 14 of the General Statutes is amended by adding a
new section to read:

"§ 14-277.3A. Stalking.

(a) Legislative Intent. – The General Assembly finds that stalking is a serious
problem in this State and nationwide. Stalking involves severe intrusions on the victim's
personal privacy and autonomy. It is a crime that causes a long-lasting impact on the
victim's quality of life and creates risks to the security and safety of the victim and
others, even in the absence of express threats of physical harm. Stalking conduct often
becomes increasingly violent over time.

The General Assembly recognizes the dangerous nature of stalking as well as the
strong connections between stalking and domestic violence and between stalking and
sexual assault. Therefore, the General Assembly enacts this law to encourage effective
intervention by the criminal justice system before stalking escalates into behavior that
has serious or lethal consequences. The General Assembly intends to enact a stalking
statute that permits the criminal justice system to hold stalkers accountable for a wide
range of acts, communications, and conduct. The General Assembly recognizes that
stalking includes, but is not limited to, a pattern of following, observing, or monitoring
the victim, or committing violent or intimidating acts against the victim, regardless of
the means.

(b) Definitions. – The following definitions apply in this section:

(1) Course of conduct. – Two or more acts, including, but not limited to,
acts in which the stalker directly, indirectly, or through third parties,
by any action, method, device, or means, is in the presence of, or

1 follows, monitors, observes, surveils, threatens, or communicates to or
2 about a person, or interferes with a person's property.

3 (2) Harasses or harassment. – Knowing conduct, including written or
4 printed communication or transmission, telephone, cellular, or other
5 wireless telephonic communication, facsimile transmission, pager
6 messages or transmissions, answering machine or voice mail messages
7 or transmissions, and electronic mail messages or other computerized
8 or electronic transmissions directed at a specific person that torments,
9 terrorizes, or terrifies that person and that serves no legitimate purpose.

10 (3) Reasonable person. – A reasonable person in the victim's
11 circumstances.

12 (4) Substantial emotional distress. – Significant mental suffering or
13 distress that may, but does not necessarily, require medical or other
14 professional treatment or counseling.

15 (c) Offense. – A defendant is guilty of stalking if the defendant willfully on more
16 than one occasion harasses another person without legal purpose or willfully engages in
17 a course of conduct directed at a specific person without legal purpose and the
18 defendant knows or should know that the harassment or the course of conduct would
19 cause a reasonable person to do any of the following:

20 (1) Fear for the person's safety or the safety of the person's immediate
21 family or close personal associates.

22 (2) Suffer substantial emotional distress by placing that person in fear of
23 death, bodily injury, or continued harassment.

24 (d) Classification. – A violation of this section is a Class A1 misdemeanor. A
25 defendant convicted of a Class A1 misdemeanor under this section, who is sentenced to
26 a community punishment, shall be placed on supervised probation in addition to any
27 other punishment imposed by the court. A defendant who commits the offense of
28 stalking after having been previously convicted of a stalking offense is guilty of a Class
29 F felony. A defendant who commits the offense of stalking when there is a court order
30 in effect prohibiting the conduct described under this section by the defendant against
31 the victim is guilty of a Class F felony.

32 (e) Jurisdiction. – Pursuant to G.S. 15A-134, if any part of the offense occurred
33 within North Carolina, including the defendant's course of conduct or the effect on the
34 victim, then the defendant may be prosecuted in this State."

35 **SECTION 3.** This act becomes effective December 1, 2008, and applies to
36 offenses committed on or after that date. Prosecutions for offenses committed before
37 the effective date of this act are not abated or affected by this act, and the statutes that
38 would be applicable but for this act remain applicable to those prosecutions.