

1 **State of Arkansas**
2 **79th General Assembly**
3 **Regular Session, 1993**
4 **By: Representative Smith**

A Bill

HOUSE BILL

For An Act To Be Entitled

8 "AN ACT TO DEFINE CONDUCT CONSTITUTING THE CRIMINAL
9 OFFENSE OF STALKING; TO PRESCRIBE THE PENALTIES THEREFOR;
10 AND FOR OTHER PURPOSES."

Subtitle

13 "AN ACT TO ESTABLISH STALKING AS A CRIMINAL OFFENSE AND TO
14 PRESCRIBE PENALTIES THEREFOR."

15

16 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

17

18 SECTION 1. For purposes of this act:

19 (a) "A credible threat" means a threat made with the intent and the
20 apparent ability to carry out the threat so as to cause the person who is the
21 target of the threat to reasonably fear for his or her safety or the safety of
22 his or her immediate family.

23 (b) "Act of violence" means a behavior in which physical force is used
24 against another person.

25 (c) "Course of conduct" means a pattern of conduct composed of a series
26 of acts over a period of time, however short, evidencing a continuity of
27 purpose. Constitutionally protected activity is not included within the
28 meaning of "course of conduct."

29 (d) "Harasses" means a knowing and willful course of conduct directed
30 at a specific person which seriously alarms or annoys the person and which
31 serves no legitimate purpose. The course of conduct must be such as would
32 cause a reasonable person to suffer substantial emotional distress, and must
33 actually cause substantial emotional distress to the person.

34 (e) "Immediate family" means any spouse, parent, child, any person
35 related by consanguinity or affinity within the second degree, or any other

1 person who regularly resides in the household, or who, within the prior six
2 months, regularly resided in the household.

3

4 SECTION 2. (a) A person who willfully, maliciously, and repeatedly
5 follows or harasses another person and who makes a credible threat with the
6 intent to place that person in reasonable fear of death or great bodily injury
7 or to place that person in reasonable fear of the death or great bodily injury
8 of his immediate family is guilty of the crime of stalking, punishable as a
9 Class D felony.

10 (b) A person who violates subsection (a) when that person is on
11 probation or parole on the condition that he is prohibited from the behavior
12 described in subsection (a) against the same party is guilty of stalking,
13 punishable as a Class C felony.

14 (c) A second or subsequent conviction for stalking occurring within
15 seven (7) years of a prior conviction under subsection (a) against the same
16 victim, and involving an act of violence or a credible threat of an act of
17 violence is punishable as a Class B felony.

18

19 SECTION 3. All provisions of this act of a general and permanent nature
20 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
21 Revision Commission shall incorporate the same in the Code.

22

23 SECTION 4. If any provision of this act or the application thereof to
24 any person or circumstance is held invalid, such invalidity shall not affect
25 other provisions or applications of the act which can be given effect without
26 the invalid provision or application, and to this end the provisions of this
27 act are declared to be severable.

28

29 SECTION 5. All laws and parts of laws in conflict with this act are
30 hereby repealed.

31

32

33

34

35

