

State of Arkansas

As Engrossed: S4/8/25

95th General Assembly

## A Bill

Regular Session, 2025

HOUSE BILL 1778

By: Representative Gazaway

By: Senator Gilmore

### For An Act To Be Entitled

AN ACT TO AMEND THE LAW CONCERNING THE CRIMINAL  
OFFENSE OF STALKING TO INCLUDE PLACING A PERSON IN  
FEAR OF SEXUAL ACTS AGAINST HIMSELF OR HERSELF OR HIS  
OR HER FAMILY OR HOUSEHOLD MEMBER; TO AMEND THE  
DEFINITION OF COURSE OF CONDUCT WITH RESPECT TO  
STALKING; AND FOR OTHER PURPOSES.

### Subtitle

TO AMEND THE LAW CONCERNING THE CRIMINAL  
OFFENSE OF STALKING TO INCLUDE PLACING A  
PERSON IN FEAR OF SEXUAL ACTS; AND TO  
AMEND THE DEFINITION OF COURSE OF  
CONDUCT WITH RESPECT TO STALKING.

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

SECTION 1. Arkansas Code § 5-71-229(b)(1), concerning stalking in the  
second degree, is amended to read as follows:

(b)(1) A person commits stalking in the second degree if he or she  
knowingly engages in a course of conduct that harasses another person and  
makes a terroristic threat with the purpose of:

(A) ~~placing~~ Placing that person in imminent fear of death  
or serious bodily injury;

(B) ~~or placing~~ Placing that person in imminent fear of the  
death or serious bodily injury of his or her ~~immediate~~ family or household  
member as defined by § 5-26-302(2);

(C) Placing that person in imminent fear of unwanted



1 sexual intercourse, a deviate sexual activity, or other sexual contact; or  
2 (D) Placing that person in imminent fear of unwanted  
3 sexual intercourse, a deviate sexual activity, or other sexual contact  
4 against his or her family or household member as defined by § 5-26-302(2).  
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6 SECTION 2. Arkansas Code § 5-71-229(f)(1), concerning the course of  
7 conduct constituting stalking, is amended to read as follows:

8 (1)(A) "Course of conduct" means a pattern of conduct composed  
9 of two (2) or more acts, separated by at least thirty-six (36) hours, but  
10 occurring within one (1) year, including without limitation an act in which  
11 the actor directly, indirectly, or through a third party by any action,  
12 method, device, or means follows, monitors, observes, places under  
13 surveillance, threatens, or communicates to or about a person or interferes  
14 with a person's property.

15 (B) "Course of conduct" includes without limitation  
16 sending mail or electronic communication to a person via electronic mail,  
17 text messages, or any other type of electronic message sent using the  
18 internet, websites, or social media platforms.

19 (C)(i) "Course of conduct" does not include  
20 constitutionally protected activity.

21 (ii) If the defendant claims that he or she was  
22 engaged in a constitutionally protected activity, the court shall determine  
23 the validity of that claim as a matter of law and, if found valid, shall  
24 exclude that activity from evidence;

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26 /s/Gazaway  
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29 **APPROVED: 4/17/25**  
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