

ENGROSSED HOUSE
BILL NO. 2291

BY: FALLIN, VAUGHN (Ray),
DAVIS, ROACH, JOHNSON
(Rob), BRYANT, KEY,
WORTHEN and HAMILTON
(Jeff) of the HOUSE

and

MILES-LaGRANGE of the
SENATE

AN ACT RELATING TO CRIMES AND PUNISHMENTS;
PROHIBITING STALKING AND PROVIDING PENALTIES
THEREFOR; DEFINING TERMS; PROVIDING FOR
CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. NEW LAW A new section of law to be codified
in the Oklahoma Statutes as Section 1173 of Title 21, unless there
is created a duplication in numbering, reads as follows:

A. Any person who willfully, maliciously, and repeatedly
follows or harasses another person and who makes a credible threat
as defined in subsection E of this section against that person or a
member of the immediate family of that person as defined in
subsection E of this section, upon conviction, shall be guilty of
the crime of stalking, which is a misdemeanor punishable by
imprisonment in a county jail for not more than one (1) year or by a
fine of not more than One Thousand Dollars (\$1,000.00), or by both
such fine and imprisonment.

B. Any person who violates the provisions of subsection A of this section when:

1. There is a temporary restraining order, a protective order or emergency ex parte order, or an injunction in effect prohibiting the behavior described in subsection A of this section against the same party; or

2. Said person is on probation or parole, a condition of which prohibits the behavior described in subsection A of this section against the same party; or

3. Said person, within ten (10) years preceeding the violation of subsection A of this section, completed the execution of sentence or conviction of a crime involving the use or threat of violence against the same party, or against a member of the immediate family of such party, upon conviction, shall be guilty of a felony punishable by imprisonment in the State Penitentiary for a term not exceeding five (5) years or by a fine of not more than Two Thousand Five Hundred Dollars (\$2,500.00), or by both such fine and imprisonment.

C. Any person who commits a second act of stalking within ten (10) years of the completion of sentence for a prior conviction under subsection A of this section, upon conviction thereof, shall be guilty of a felony punishable by imprisonment in the State Penitentiary for a term not exceeding five (5) years, or by a fine of not more than Two Thousand Five Hundred Dollars (\$2,500.00), or by both such fine and imprisonment.

D. Any person who commits an act of stalking within ten (10) years of the completion of execution of sentence for a prior conviction under subsection C of this section, shall, upon conviction thereof, be guilty of a felony punishable by a fine of not less than Two Thousand Five Hundred Dollars (\$2,500.00) nor more than Ten Thousand Dollars (\$10,000.00), or by imprisonment in the

State Penitentiary for a term not exceeding ten (10) years, or by both such fine and imprisonment.

E. For purposes of this section:

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

2. "Course of conduct" means a pattern of conduct composed of a series of acts over a period of time, however short, evidencing a continuity of purpose. Constitutionally protected activity is not included within the meaning of "course of conduct";

3. "Credible threat" means a threat made with the intent and the apparent ability to carry out the threat so as to cause the person who is the target of the threat to reasonably fear for his or her safety or for the safety of a member of his or her immediate family. The threat must be against the life of or a threat to cause great bodily injury to a person; and

4. "Member of the immediate family" means any spouse, parent, child, person related within the third degree of consanguinity or affinity or any other person who regularly resides in the household or who regularly resided in the household within the prior six (6) months.

SECTION 2. This act shall become effective September 1, 1992.

Passed the House of Representatives the 18th day of February, 1992.

Speaker of the House of
Representatives

Passed the Senate the ____ day of _____, 1992.

President of the Senate