

**BILL SUMMARY**  
2<sup>nd</sup> Session of the 58<sup>th</sup> Legislature

<b>Bill No.:</b>	<b>HB 3286</b>
<b>Version:</b>	<b>Committee Substitute</b>
<b>Request Number:</b>	<b>10979</b>
<b>Author:</b>	<b>Rep. Rosecrants</b>
<b>Date:</b>	<b>3/22/2022</b>
<b>Impact:</b>	<b>Creates felony; increases penalties; exact impact dependent</b>

**Research Analysis**

The CS to HB 3286 increases the penalty for stalking from a misdemeanor to a felony and increases the punishment from 1 year to up to 3 years imprisonment and increases the fine from \$1,000 to a fine of up to \$5,000. The measure creates a second offense to be punished by a term of imprisonment not to exceed 6 years, a fine of up to \$10,000 or both fine and imprisonment. A third or subsequent offense is punishable by a term of imprisonment for not more than 12 years, a fine of up to \$15,000 or both fine and imprisonment. The measure increases the punishment for a second offense within 10 years of the previous offense when a protective order was in place by increasing the term of imprisonment from up to 5 years to a term of not more than 20 years and increases the fine amount from not less than \$2,500 to a fine of up to \$25,000. The measure increases the penalty for stalking within ten years of the completion of a prior conviction by increasing the term of imprisonment from not more than 10 years to a term not to exceed 25 years and increases the fine from not less than \$5,000 to not to exceed \$30,000. The measure modifies the definition of "course of conduct" as used in determining the crime of stalking. The measure provides that whenever law enforcement agency receives a complaint of stalking and finds that stalking has occurred, the agency is required to provide a copy of a Stalking Warning Letter to the accused. The measure provides the standardized content of the Stalking Warning Letter. The measure adds "crime victim" to the list of persons that it is considered harassment to make their personally identifiable information public in a manner intended to threaten, intimidate or harass. The measure adds elements to the crime of stalking. The measure allows any adult victim of a crime to seek relief under the provisions of the Protection from Domestic Abuse Act. The measure allows a protective order to be continuous in nature if the victim provides proof that a continuous protective order is necessary for their protection. The measure requires every ex parte or final protective order to be entered into the National Crime Information Center database. The measure prohibits a person subject to a protective order from committing certain acts.

Prepared By: Brad Wolgamott

**Fiscal Analysis**

The committee substitute to the measure would increase the penalties for stalking. The measure would raise the penalty for a first conviction of stalking from a misdemeanor to a felony. The measure would also increase the incarceration time and fine for a first and subsequent stalking conviction.

Upon review, passage of the measure may have a fiscal impact to the state. By creating a felony and increasing the penalties for subsequent convictions, the measure may increase incarceration costs borne by the Department of Corrections. The measure may also increase fine revenue

received by the state. The exact impact of the measure would depend on the number and disposition of cases.

Prepared By: Clayton Mayfield

**Other Considerations**

None.