

**H.818 Stalking Bill: Side-by-Side Comparison with Current Law**

CURRENT	PROPOSED
<b>ELEMENT ONE</b>	<b>ELEMENT ONE</b>
<b><i>“Engage in a course of conduct that”</i></b>	<b><i>“Engage in a course of conduct”</i></b>
<b>ELEMENT TWO, Prong A</b>	
<b><i>“Consists of following”</i></b>	
<i>“Following” means maintaining over a period of time a visual or physical proximity to another person in such manner as would cause a reasonable person to have a fear of unlawful sexual conduct, unlawful restraint, bodily injury, or death.</i>	<i>“Course of conduct” means two or more acts in which a person follows, monitors, observes, surveils, threatens, or communicates to or about another person or interferes with another person’s property. This definition shall apply to acts conducted by the person directly, indirectly, or through third parties and by any action, method, device, or means.</i>
<b>ELEMENT TWO, Prong B</b>	
<b><i>“lying in wait for”</i></b>	
<i>“Lying in wait” means hiding or being concealed for the purpose of attacking or harming another person.</i>	<i>“Threatens” or “threatening behavior” means to act in a manner that would cause a reasonable person to fear unlawful sexual conduct, unlawful restraint, bodily injury, or death, including verbal threats; written, telephonic, or other electronically communicated threats; vandalism; or physical contact without consent. Intent is not required, including an overt statement of intent to physical harm or emotional distress to the person.</i>
<b>ELEMENT TWO, Prong C</b>	
<b><i>“harassing”</i></b>	
<i>“Harassing” means actions directed at a specific person, or a member of the person's family, which would cause a reasonable person to fear unlawful sexual conduct, unlawful restraint, bodily injury, or death, including verbal threats, written, telephonic, or other electronically communicated threats, vandalism, or physical contact without consent.</i>	

<p><b>ELEMENT THREE</b> <i>“serves no legitimate purpose”</i></p>	<p><b>ELEMENT TWO</b> <i>“directed at a specific person”</i></p>
<p><b>ELEMENT FOUR, Prong A</b> <i>“would cause a reasonable person to fear for his or her physical safety”</i></p>	<p><b>ELEMENT THREE, OPTION A</b> <i>“would cause a reasonable person to fear for his or her safety or the safety of another”</i></p> <p><i>“Reasonable person” means a reasonable person in the victim’s circumstances.</i></p>
<p><b>ELEMENT FOUR, Prong B</b> <i>“would cause a reasonable person substantial emotional distress.”</i></p>	<p><b>ELEMENT THREE, OPTION B</b> <i>“would cause a reasonable person substantial emotional distress”</i></p> <p><i>“Emotional distress” means significant mental suffering or distress that may, but does not necessarily, require medical or other professional treatment or counseling.</i></p>
	<p><b>DEFENSES</b></p> <p><i>In a prosecution under this subchapter, it shall not be a defense that:</i></p> <p><i>(1) the defendant was not provided actual notice that the course of conduct was unwanted; or</i></p> <p><i>(2) the defendant did not intend to cause the victim fear or emotional distress.</i></p>