

H.873

Introduced by Representatives Harvey of Castleton, Goslant of Northfield,  
Malay of Pittsford, and Oliver of Sheldon

Referred to Committee on

Date:

Subject: Criminal procedures; stalking; orders against stalking

Statement of purpose of bill as introduced: This bill proposes to provide, for  
purposes of proving a course of conduct in criminal stalking cases and civil  
stalking orders of protection, that the multiple acts establishing the course of  
conduct do not have to occur on separate calendar days.

An act relating to course of conduct in stalking cases

It is hereby enacted by the General Assembly of the State of Vermont:

Sec. 1. 12 V.S.A. § 5131 is amended to read:

§ 5131. DEFINITIONS

As used in this chapter:

(1)(A) “Course of conduct” means:

(i) two or more acts over a period of time, however short, in which  
a person follows, monitors, surveils, threatens, or makes threats about another  
person, or interferes with another person’s property; or

1 (ii) use of any electronic, digital, or precise geolocation device or  
2 software or application to surveil a specific person or a specific person's  
3 internet or wireless activity continuously for 12 hours or more or on two or  
4 more occasions over a period of time, however short, without authorization.

5 (B) This definition shall apply to acts conducted by the person  
6 directly or indirectly, and by any action, method, device, or means.  
7 Constitutionally protected activity is not included within the meaning of  
8 "course of conduct."

9 (C) As used in subdivision (A) of this subdivision (1);

10 (i) threaten shall not be construed to require an express or overt  
11 threat; and

12 (ii) course of conduct shall not be construed to require that the two  
13 or more acts occur on separate calendar days.

14 \* \* \*

15 (6) "Stalk" means to engage purposefully in a course of conduct directed  
16 at a specific person that the person engaging in the conduct knows or should  
17 know would cause a reasonable person to:

18 (A) fear for the person's safety or the safety of a family member; or

19 (B) suffer substantial emotional distress as evidenced by:

20 (i) a fear of unlawful sexual conduct, unlawful restraint, bodily  
21 injury, or death; or

1 (ii) significant modifications in the person's actions or routines,  
2 including moving from an established residence, changes to established daily  
3 routes to and from work that cause a serious disruption in the person's life,  
4 changes to the person's employment or work schedule, or the loss of a job or  
5 time from work.

6 \* \* \*

7 Sec. 2. 13 V.S.A. § 1061 is amended to read:

8 § 1061. DEFINITIONS

9 As used in this subchapter:

10 (1)(A) "Course of conduct" means two or more acts over a period of  
11 time, however short, in which a person follows, monitors, surveils, threatens,  
12 or makes threats about another person, or interferes with another person's  
13 property. This definition shall apply to acts conducted by the person directly  
14 or indirectly, and by any action, method, device, or means. Constitutionally  
15 protected activity is not included within the meaning of "course of conduct."

16 (B) As used in subdivision (A) of this subdivision (1);

17 (i) threaten shall not be construed to require an express or overt  
18 threat; and

19 (ii) course of conduct shall not be construed to require that the two or  
20 more acts occur on separate calendar days.

1           (2) “Emotional distress” means significant mental suffering or distress  
2           that may, but does not necessarily, require medical or other professional  
3           treatment or counseling.

4           (3) “Reasonable person” means a reasonable person in the victim’s  
5           circumstances.

6           (4) “Stalk” means to engage purposefully in a course of conduct directed  
7           at a specific person that the person engaging in the conduct knows or should  
8           know would cause a reasonable person to fear for his or her safety or the safety  
9           of another or would cause a reasonable person substantial emotional distress.

10       Sec. 3. EFFECTIVE DATE

11       This act shall take effect on passage.