

1 H.873
2 Introduced by Representatives Harvey of Castleton, Goslant of Northfield,
3 Malay of Pittsford, and Oliver of Sheldon
4 Referred to Committee on
5 Date:
6 Subject: Criminal procedures; stalking; orders against stalking
7 Statement of purpose of bill as introduced: This bill proposes to provide, for
8 purposes of proving a course of conduct in criminal stalking cases and civil
9 stalking orders of protection, that the multiple acts establishing the course of
10 conduct do not have to occur on separate calendar days.

11 An act relating to course of conduct in stalking cases
12 It is hereby enacted by the General Assembly of the State of Vermont:
13 Sec. 1. 12 V.S.A. § 5131 is amended to read:
14 § 5131. DEFINITIONS
15 As used in this chapter:
16 (1)(A) “Course of conduct” means:
17 (i) two or more acts over a period of time, however short, in which
18 a person follows, monitors, surveils, threatens, or makes threats about another
19 person, or interferes with another person’s property; or

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):

14 * * *

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:

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);:

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.