

March 19, 2007

**H 887. AMEND CRIMINAL OFFENSE OF STALKING.** Filed 3/16/07. *TO CLARIFY AND EXPAND THE CRIMINAL OFFENSE OF STALKING AND TO INCREASE THE PENALTY FOR STALKING.* Removes all of the current provisions of GS 14-277.3 and enacts new language making it an offense for a defendant to willfully engage in a course of conduct (two or more acts of following, monitoring, observing, threatening, or interfering with a person's property) directed at a specific person that the defendant knows would cause a reasonable person to fear for his or her safety or the safety of another person, or cause other emotional distress. Violation is a Class H felony (was, Class A1 misdemeanor), unless, (1) there is already a court order in effect prohibiting similar behavior by the defendant, in which case the violation is a Class G felony (was, Class H); or (2) the defendant has already been convicted of a stalking offense, in which case the violation is a Class F felony. Provides that lack of actual notice or specific intent are not valid defenses. Effective for offenses committed on or after December 1, 2007.

**Intro. by Wiley, Langdon, Ray, Underhill.** GS 14

May 22, 2007

**H 887. AMEND CRIMINAL OFFENSE OF STALKING.** Filed 3/16/07. House committee substitute makes the following changes to 1st edition. Removes from the definition of *course of conduct* specific reference to a person's repeated filing of motions, criminal charges, and other legal actions against another person. Adds a new definition of *harasses or harassment*. Amends the offense of stalking to include as stalking the willful harassment of another person without legal purpose. Limits the scope of the offense to situations that would cause a reasonable person to (1) fear for the person's safety or the safety of the person's immediate family or close personal associates (was, safety of a third person) or (2) suffer substantial emotional distress by placing that person in fear of death, bodily injury, or continued harassment (was, suffer other emotional distress). Removes language providing that lack of actual notice or specific intent are not valid defenses. Amends the classification to restore the proposed penalty for a first violation from a Class H felony to a Class A1 misdemeanor and for a subsequent violation from a Class G to a Class F felony. Reduces the proposed penalty for an offense in violation of a court order from a Class F to a Class G felony (current law is a Class H felony). Makes technical changes (changing the order of two sentences; adding a clarifying reference to defendant).

June 26, 2008

**H 887. AMEND CRIMINAL OFFENSE OF STALKING.** Filed 3/16/07. Senate committee substitute makes the following changes to 2nd edition. Repeals GS 14-277.3 (current law prescribing the offense of stalking). Inserts proposed amendments to GS 14-277.3 from the previous edition into a new GS 14-277.3A. Reorganizes the definition section and specifies that new proposed subdivision (4) is defining *substantial* emotional distress. Adds that the defendant's conduct must occur on more than one occasion to constitute the offense of stalking. Clarifies that a defendant is guilty of a Class F felony (was, Class G felony) if the defendant violates a court order that prohibits *conduct described under this section against the victim* (was, court order prohibiting similar behavior). Makes stylistic and technical changes. Changes the effective date from December 1, 2007, to December 1, 2008.

July 10, 2008

**H 887. AMEND CRIMINAL OFFENSE OF STALKING.** Filed 3/16/07. Conference report recommends the following changes to 3rd edition to reconcile matters in controversy. Amends proposed GS 14-277.3A(d) to decrease the penalty from a Class F felony to a Class H felony for stalking when there is a court order in effect prohibiting the conduct by the defendant against the victim.

August 8, 2008

**SL 2008-167 (H 887). AMEND CRIMINAL OFFENSE OF STALKING. AN ACT TO CLARIFY AND EXPAND THE CRIMINAL OFFENSE OF STALKING.** Summarized in *Daily*

*Bulletin* 3/19/07, 5/22/07, 6/26/08, and 7/10/08. Enacted August 3, 2008. Effective December 1, 2008.