

1 CHAPTER 59.1

2 STALKING

3 **11-59.1-1. Legislative intent.** – The legislature finds that stalking is a serious problem in
4 the state of Rhode Island and nationwide. Stalking involves severe intrusions on the victim's
5 personal privacy and autonomy. It is a crime that causes a long-lasting impact on the victim's
6 quality of life, and creates risks to the security and safety of the victim and others, even in the
7 absence of express threats of physical harm. Stalking conduct often becomes increasingly violent
8 over time. The legislature recognizes the dangerous nature of stalking as well as the strong
9 connections between stalking and domestic violence and between this law to encourage effective
10 intervention by the criminal justice system before stalking escalates into behavior that has serious
11 or lethal consequences. The legislature intends to enact a stalking statute that permits the criminal
12 justice system to hold stalkers accountable for a wide range of acts, communications, and
13 conduct. The legislature recognizes that stalking includes, but is not limited to, a pattern of
14 following, observing, or monitoring the victim, or committing violent or intimidating acts against
15 the victim, regardless of the means.

16 **11-59.1-2. Stalking prohibited.** – (a) Any person who purposefully engages in a course
17 of conduct directed at a specific person and knows or should know that the course of conduct
18 would cause a reasonable person to:

19 (1) Fear for their safety or the safety of a third person; or

20 (2) Suffer other emotional distress.

21 (b) Is guilty of stalking.

22 **11-59.1-3. Definitions.** – As used in this section:

23 (1) "Course of conduct" means two (2) or more acts, including, but not limited to, acts in
24 which the stalker directly, indirectly, or through third parties, by any action, method, device, or
25 means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or
26 interferes with a person's property.

27 (2) "Emotional distress" means significant mental suffering or distress that may, but does
28 not necessarily require medical or other professional treatment or counseling.

29 (3) "Reasonable person" means a reasonable person in the victim's circumstances.

30 **11-59.1-4. Defenses.** – In any prosecution under this law:

31 (1) It shall not be a defense that:

32 (i) The actor was not given actual notice that the course of conduct was unwanted; or

33 (ii) The actor did not intend to cause the victim fear or other emotional distress.

34 (2) It is an affirmative defense that the person charged was engaged in lawful picketing.

1 **11-59.1-5. Penalties for stalking.** – (a) Stalking is a felony punishable by imprisonment
2 for not more than five (5) years.

3 (b) Stalking is a felony punishable by imprisonment for not more than ten (10) years if a
4 person is guilty of stalking and one or more of the following aggravating factors exists:

5 (1) The person is age twenty-one (21) or older and the victim is under the age of fourteen
6 (14); or

7 (2) The person violated any order prohibiting contact with the victim; or

8 (3) The person was convicted of stalking any person within the previous ten (10) years;
9 or

10 (4) The person was convicted of a crime of sexual assault against any person within the
11 previous twenty (20) years; or

12 (5) The course of conduct includes a threat of death, a threat of sexual assault, or a threat
13 of serious physical injury to the victim, or to another person; or

14 (6) The person causes physical injury to the victim.

15 **11-59.1-6. Jurisdiction.** – As long as one of the acts that is part of the course of conduct
16 was initiated in or had an effect on the victim in this jurisdiction, the defendant may be
17 prosecuted in this jurisdiction.

18 SECTION 3. This act shall take effect upon passage.

=====
LC005020
=====

EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO CRIMINAL OFFENSES - STALKING

1 This act would prohibit stalking, defined as a course of conduct by anyone who may
2 cause a reasonable person to either fear for their own safety or the safety of a third person or
3 cause a reasonable person to suffer emotional distress. It would also enumerate the penalties for
4 stalking.

5 This act would take effect upon passage.

=====
LC005020
=====