

2018 -- H 7074

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LC003162  
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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2018

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A N A C T

RELATING TO DOMESTIC RELATIONS -- DOMESTIC ABUSE PREVENTION

Introduced By: Representatives Craven, Lombardi, and McEntee

Date Introduced: January 10, 2018

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 15-15-1 of the General Laws in Chapter 15-15 entitled "Domestic  
2 Abuse Prevention" is hereby amended to read as follows:

3 **15-15-1. Definitions.**

4 The following words as used in this chapter have the following meanings:

5 ~~(1) "Course of conduct" means a pattern of conduct composed of a series of acts over a~~  
6 ~~period of time, evidencing a continuity of purpose. Constitutionally protected activity is not~~  
7 ~~included within the meaning of "course of conduct".~~

8 ~~(2) "Courts" means the family court.~~

9 ~~(3) "Cyberstalking" means transmitting any communication by computer to any person or~~  
10 ~~causing any person to be contacted for the sole purpose of harassing that person or his or her~~  
11 ~~family.~~

12 ~~(4) "Domestic abuse" means:~~

13 ~~the occurrence of one or more of the following acts between present or former family~~  
14 ~~members, parents, stepparents, or persons who are or have been in a substantive dating or~~  
15 ~~engagement relationship within the past one year in which at least one of the persons is a minor:~~

16 ~~(i) Attempting to cause or causing physical harm;~~

17 ~~(ii) Placing another in fear of imminent serious physical harm;~~

18 ~~(iii) Causing another to engage involuntarily in sexual relations by force, threat of force,~~  
19 ~~or duress; or~~

1 ~~(iv) Stalking or cyberstalking.~~

2 ~~(5) "Harassing" means following a knowing and willful course of conduct directed at a~~  
3 ~~specific person with the intent to seriously alarm, annoy, or bother the person, and which serves~~  
4 ~~no legitimate purpose. The course of conduct must be such as would cause a reasonable person to~~  
5 ~~suffer substantial emotional distress, or be in fear of bodily injury.~~

6 ~~(6) "Parents" mean persons who together are the legal parents of one or more children,~~  
7 ~~regardless of their marital status or whether they have lived together at any time.~~

8 ~~(7) "Present or former family member" means the spouse, former spouse, minor children,~~  
9 ~~stepchildren, or persons who are related by blood or marriage.~~

10 ~~(8) "Sexual exploitation" means the occurrence of any of the following acts by any~~  
11 ~~person who knowingly or willfully encourages, aids, or coerces any child under the age of~~  
12 ~~eighteen (18) years:~~

13 ~~(i) Recruiting, employing, enticing, soliciting, isolating, harboring, transporting,~~  
14 ~~providing, persuading, obtaining, or maintaining, or so attempts, any minor for the purposes of~~  
15 ~~commercial sex acts or sexually explicit performances; or selling or purchasing a minor for the~~  
16 ~~purposes of commercial sex acts.~~

17 ~~(A) "Commercial sex act" means any sex act or sexually explicit performance on account~~  
18 ~~of which anything of value is given, promised to, or received, directly or indirectly, by any~~  
19 ~~person.~~

20 ~~(B) "Sexually explicit performance" means an act or show, intended to arouse, satisfy the~~  
21 ~~sexual desires of, or appeal to the prurient interests of patrons or viewers, whether public or~~  
22 ~~private, live, photographed, recorded, or videotaped.~~

23 ~~(9) "Stalking" means harassing another person or willfully, maliciously and repeatedly~~  
24 ~~following another person with the intent to place that person in reasonable fear of bodily injury.~~

25 ~~(10) "Substantive dating" or "engagement relationship" means a significant and~~  
26 ~~personal/intimate relationship which shall be adjudged by the court's consideration by the~~  
27 ~~following factors:~~

28 ~~(i) The length of time of the relationship;~~

29 ~~(ii) The type of relationship; and~~

30 ~~(iii) The frequency of interaction between the parties.~~

31 (1) "Commercial sex act" means any sex act or sexually explicit performance on account  
32 of which anything of value is given, promised to, or received, directly or indirectly, by any  
33 person.

34 (2) "Course of conduct" means a pattern of conduct composed of a series of acts over a

1 period of time, evidencing a continuity of purpose. Constitutionally protected activity is not  
2 included within the meaning of "course of conduct".

3 (3) "Courts" means the family court.

4 (4) "Cyberstalking" means transmitting any communication by computer to any person or  
5 causing any person to be contacted for the sole purpose of harassing that person or their family.

6 (5) "Domestic abuse" means the occurrence of one or more of the following acts between  
7 present or former family members, parents, stepparents, or persons who are or have been in a  
8 substantive dating or engagement relationship within the past one year in which at least one of the  
9 persons is a minor:

10 (i) Attempting to cause or causing physical harm;

11 (ii) Placing another in fear of imminent serious physical harm;

12 (iii) Causing another to engage involuntarily in sexual relations by force, threat of force,  
13 or duress;

14 (iv) Stalking or cyberstalking; or

15 (v) The occurrence of any of the following acts by any person who knowingly or  
16 willfully encourages, aids or coerces any child under the age of eighteen (18) years:

17 (A) Recruiting, employing, enticing, soliciting, isolating, harboring, transporting,  
18 providing, persuading, obtaining, or maintaining, or so attempts to, any minor for the purposes of  
19 commercial sex acts or sexually explicit performances; or

20 (B) Selling or purchasing a minor for the purposes of commercial sex acts.

21 (6) "Harassing" means following a knowing and willful course of conduct directed at a  
22 specific person with the intent to seriously alarm, annoy, or bother the person, and which serves  
23 no legitimate purpose. The course of conduct must be such as would cause a reasonable person to  
24 suffer substantial emotional distress, or be in fear of bodily injury.

25 (7) "Parents" means persons who together are the legal parents of one or more children,  
26 regardless of their marital status or whether they have lived together at any time.

27 (8) "Present or former family member" means the spouse, former spouse, minor children,  
28 stepchildren, or persons who are related by blood or marriage.

29 (9) "Sexually-explicit performance" means an act or show, intended to arouse, satisfy the  
30 sexual desires of, or appeal to the prurient interests of patrons or viewers, whether public or  
31 private, live, photographed, recorded, or videotaped.

32 (10) "Stalking" means harassing another person or willfully, maliciously and repeatedly  
33 following another person with the intent to place that person in reasonable fear of bodily injury.

34 (11) "Substantive dating" or "engagement relationship" means a significant and

1 personal/intimate relationship which shall be adjudged by the court's consideration by the  
2 following factors:  
3 (i) The length of time of the relationship;  
4 (ii) The type of relationship; and  
5 (iii) The frequency of interaction between the parties.

6 SECTION 2. This act shall take effect upon passage.

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF

A N A C T

RELATING TO DOMESTIC RELATIONS -- DOMESTIC ABUSE PREVENTION

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- 1 This act would revise several definitions in regard to domestic abuse prevention.
- 2 This act would take effect upon passage.

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