

103^D CONGRESS
1ST SESSION

H. R. 740

To amend title 18, United States Code, to provide Federal penalties for stalking.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 2, 1993

Mr. ROYCE introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To amend title 18, United States Code, to provide Federal penalties for stalking.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Federal Anti-Stalker
5 Act of 1993”.

6 **SEC. 2. TITLE 18 AMENDMENT.**

7 (a) OFFENSE.—Chapter 41 of title 18, United States
8 Code, is amended by adding at the end the following:

1 **“§ 880. Stalking**

2 “(a) Whoever, in a circumstance described in sub-
3 section (c) of this section willfully and maliciously—

4 “(1) repeatedly follows or harasses another per-
5 son; and

6 “(2) makes a credible threat with the intent to
7 place that person in reasonable fear of the death or
8 serious bodily injury of that person or a member of
9 that person’s immediate family;

10 shall be punished as provided in subsection (b) of this
11 section.

12 “(b) The punishment for an offense under subsection
13 (a) of this section is—

14 “(1) a fine under this title or imprisonment for
15 not more than one year, or both, in the case of a
16 first conviction under such subsection or a second or
17 subsequent conviction not described in paragraph
18 (2)(B); and

19 “(2) a fine under this title or imprisonment for
20 not more than three years, or both, if the offense—

21 “(A) violated a restraining order or other
22 court order in effect prohibiting the behavior; or

23 “(B) is a second or subsequent conviction
24 under this section and is against the same vic-
25 tim as a prior offense under this section.

1 “(c) The circumstance referred to in subsection (a)
2 of this section is—

3 “(1) that the offender crossed the border of a
4 State during or for the purposes of the commission
5 of the offense;

6 “(2) that the offender in the course of the of-
7 fense used the United States mail or a facility in, or
8 instrumentality of interstate commerce, or

9 “(3) the offense occurred in the special mari-
10 time and territorial jurisdiction of the United States.

11 “(d) For the purposes of this section—

12 “(1) one harasses a person if—

13 “(A) one knowingly engages in a course of
14 conduct directed specifically at that person;

15 “(B) that conduct seriously alarms, an-
16 noys, or harasses that person but serves no
17 legitimate purpose; and

18 “(C) the course of conduct is such as
19 would cause a reasonable person to suffer sub-
20 stantial emotional distress and does in fact
21 cause substantial emotional distress to the per-
22 son against whom it is directed;

23 “(2) the term ‘course of conduct’ means a pat-
24 tern or conduct composed of a series of acts over a

1 period of time, however short, evidencing a continu-
2 ity of purpose; and

3 “(3) the term ‘credible threat’ means a threat
4 made with the intent and apparent ability to carry
5 out the threat so as to cause the person who is the
6 target of the threat a reasonable fear for that per-
7 son’s safety.

8 “(e) This section does not prohibit activity protected
9 by the Constitution.”.

10 (b) CLERICAL AMENDMENT.—The table of sections
11 at the beginning of chapter 41 of title 18, United States
12 Code, is amended by adding at the end the following:

“880. Stalking.”.

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