

103D CONGRESS
1ST SESSION

S. 470

To amend chapter 41 of title 18, United States Code, to punish stalking.

IN THE SENATE OF THE UNITED STATES

MARCH 2 (legislative day, JANUARY 5), 1993

Mrs. BOXER (for herself and Mr. KRUEGER) introduced the following bill;
which was read twice and referred to the Committee on the Judiciary

A BILL

To amend chapter 41 of title 18, United States Code, to
punish 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. STALKING.**

4 (a) OFFENSE.—Chapter 41 of title 18, United States
5 Code, is amended by adding at the end the following new
6 section:

7 **“§ 880. Stalking**

8 “(a) DEFINITIONS.—In this section—

9 “ ‘course of conduct’ means a pattern of con-
10 duct composed of a series of acts over a period of

1 time (regardless of length of time) evidencing a con-
2 tinuity of purpose.

3 “ ‘credible threat’ means a threat to cause
4 great bodily injury or death to a person made with
5 the intent to place the person in reasonable fear of
6 great bodily injury or death to himself or herself or
7 a member of his or her family and with the apparent
8 ability to carry out the threat.

9 “ ‘harass’ means to engage in a knowing and
10 willful course of conduct that—

11 “(A) is directed at a particular person;

12 “(B) seriously alarms, disturbs, harasses,
13 or terrorizes the person;

14 “(C) serves no legitimate purpose;

15 “(D) would cause a reasonable person to
16 suffer substantial emotional distress; and

17 “(E) in fact causes substantial emotional
18 distress to the person.

19 “ ‘prior conviction’ means—

20 “(A) a conviction under this section; and

21 “(B) a conviction under State law prohibit-
22 ing conduct that is prohibited by this section.

23 “ ‘protection order’ means an order of any
24 court that—

1 “(A) restrains a person from engaging in
2 conduct prohibited by this section; or

3 “(B) restrains a person from intentionally
4 coming into unsolicited contact, directly or indi-
5 rectly, with a person protected under this sec-
6 tion.

7 “ ‘State’ means a State, the District of Colum-
8 bia, the Commonwealth of Puerto Rico, Guam, the
9 Virgin Islands, and any other territory or possession
10 of the United States.

11 “(b) OFFENSES.—(1) A person who, in the special
12 maritime and territorial jurisdiction of the United States,
13 in the course of interstate travel, or by the use of an in-
14 strument of interstate or foreign commerce, harasses or
15 makes a credible threat against another person shall be
16 imprisoned not more than 2 years, fined not more than
17 \$5,000, or both.

18 “(2) A person who is under a protection order who,
19 in the special maritime and territorial jurisdiction of the
20 United States, in the course of interstate travel, or by the
21 use of an instrument of interstate or foreign commerce,
22 harasses or makes a credible threat against another per-
23 son shall be imprisoned not less than 2 years nor more
24 than 4 years, fined not less than \$5,000 nor more than
25 \$100,000, or both.

1 “(3) A person with a prior stalking conviction who,
2 in the special maritime and territorial jurisdiction of the
3 United States, in the course of interstate travel, or by the
4 use of an instrument of interstate or foreign commerce,
5 harasses or makes a credible threat against another per-
6 son shall be imprisoned not less than 5 years nor more
7 than 10 years, fined not less than \$25,000 nor more than
8 \$200,000, or both.

9 “(c) RULE OF CONSTRUCTION.—For the purposes of
10 subsection (b), a person shall be considered to engage in
11 conduct in the course of interstate or foreign travel if—

12 “(1) the person travels from 1 State to another
13 or from a foreign country to a State with the inten-
14 tion of engaging in that conduct; and

15 “(2) the person engages in the conduct within
16 30 days after entering the State in which the con-
17 duct occurs.

18 “(d) PROSECUTORIAL DISCRETION.—An offense
19 under subsection (b) that is also an offense within the ju-
20 risdiction of a State shall not be prosecuted by the United
21 States under this section unless the Attorney General (or
22 the highest ranking subordinate of the Attorney General
23 with responsibility for criminal prosecutions) makes a
24 written determination that, in the judgment of the official

1 who makes the determination, the offender will not be ex-
2 peditiously or effectively prosecuted under State law.”.

3 “(e) COUNSELING.—If probation is granted to an of-
4 fender under this section, it shall be a condition of proba-
5 tion that the offender participate in counseling, unless the
6 court, upon a showing of good cause, finds that counseling
7 is not necessary.

8 “(f) INJUNCTION.—

9 “(1) IN GENERAL.—A court shall consider issu-
10 ing an order enjoining an offender under this section
11 from any contact with the victim for a period of up
12 to 10 years.

13 “(2) DURATION.—(A) The duration of an in-
14 junction under this subsection shall be determined in
15 light of—

16 “(i) the seriousness of the facts before the
17 court;

18 “(ii) the likelihood that the offender will
19 violate this section again; and

20 “(iii) the safety of the victim and the vic-
21 tim’s immediate family.

22 “(B) The duration of an injunction under this
23 subsection may be longer than 5 years only in an ex-
24 treme case in which a longer duration is necessary

1 to protect the safety of the victim or the victim's im-
2 mediate family.”.

3 (b) TECHNICAL AMENDMENT.—The chapter analysis
4 for chapter 41, United States Code, is amended by adding
5 at the end the following new item:

“880. Stalking.”.

○