

STALKING AMENDMENTS

2021 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Candice B. Pierucci

Senate Sponsor: Lincoln Fillmore

LONG TITLE

Committee Note:

The Criminal Code Evaluation Task Force recommended this bill.

Membership: 6 legislators 9 non-legislators

Total Vote: 14 voting for 0 voting against 1 absent

Legislative Vote: 6 voting for 0 voting against 0 absent

The Law Enforcement and Criminal Justice Interim Committee recommended this bill.

Legislative Vote: 15 voting for 0 voting against 1 absent

General Description:

This bill modifies the elements for the offense of stalking.

Highlighted Provisions:

This bill:

- ▶ changes the definition of "course of conduct" required for the offense of stalking

by **H→** [:

~~increasing the number of acts necessary to constitute a course of conduct; and~~

~~]~~ **←H** requiring that the acts constituting the course of conduct evidence a continuity of purpose.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:



H.B. 21

28 AMENDS:

29 76-5-106.5, as last amended by Laws of Utah 2020, Chapter 142



31 *Be it enacted by the Legislature of the state of Utah:*

32 Section 1. Section 76-5-106.5 is amended to read:

33 **76-5-106.5. Stalking -- Definitions -- Injunction -- Penalties -- Duties of law**
34 **enforcement officer.**

35 (1) As used in this section:

36 (a) "Course of conduct" means [~~two~~] ~~H~~→ [~~three~~] two ←~~H~~ or more acts directed at or
36a toward a specific

37 person evidencing a continuity of purpose, including:

38 (i) acts in which the actor follows, monitors, observes, photographs, surveils, threatens,
39 or communicates to or about a person, or interferes with a person's property:

40 (A) directly, indirectly, or through any third party; and

41 (B) by any action, method, device, or means; or

42 (ii) when the actor engages in any of the following acts or causes someone else to
43 engage in any of these acts:

44 (A) approaches or confronts a person;

45 (B) appears at the person's workplace or contacts the person's employer or coworkers;

46 (C) appears at a person's residence or contacts a person's neighbors, or enters property
47 owned, leased, or occupied by a person;

48 (D) sends material by any means to the person or for the purpose of obtaining or
49 disseminating information about or communicating with the person to a member of the person's
50 family or household, employer, coworker, friend, or associate of the person;

51 (E) places an object on or delivers an object to property owned, leased, or occupied by
52 a person, or to the person's place of employment with the intent that the object be delivered to
53 the person; or

54 (F) uses a computer, the Internet, text messaging, or any other electronic means to
55 commit an act that is a part of the course of conduct.

56 (b) "Emotional distress" means significant mental or psychological suffering, whether
57 or not medical or other professional treatment or counseling is required.

58 (c) "Immediate family" means a spouse, parent, child, sibling, or any other person who