

By Mrs. Murray of Cohasset, petition of Mary Jeanette Murray for legislation to establish "stalking" as a crime against the person. Criminal Justice.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Ninety-Two.

AN ACT CREATING THE CRIME OF STALKING.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 Chapter 265 of the General Laws is hereby amended by
2 inserting after section 39 the following section: —

3 Section 39A. (a) Any person who willfully, maliciously, and
4 repeatedly follows or harasses another person and who makes a
5 credible threat with the intent to place that person in reasonable
6 fear of death or great bodily injury is guilty of the crime of stalking,
7 punishable by imprisonment in jail for not more than one year
8 or by a fine of not more than one thousand dollars, or by both
9 that fine and imprisonment.

10 (b) Any person who violates subdivision (a) when there is a
11 temporary restraining order or an injunction, or both, in effect
12 prohibiting the behavior described in subdivision (a) against the
13 same party, is punishable by imprisonment in jail for not more
14 than one year or by a fine of not more than one thousand dollars,
15 or by both that fine and imprisonment, or by imprisonment in
16 the state prison.

17 (c) A second or subsequent conviction occurring within seven
18 years of a prior conviction under subdivision (a) against the same
19 victim, and involving an act of violence or "a credible threat" of
20 violence, as defined in subdivision (e), is punishable by
21 imprisonment in jail for not more than one year, or by a fine of
22 not more than one thousand dollars, or by both that fine and
23 imprisonment, or by imprisonment in the state prison.

24 (d) For the purpose of this section, “harrasses” means a
25 knowing and willful course of conduct directed at a specific person
26 which seriously alarms, annoys, or harrasses the person, and
27 which serves no legitimate purpose. The course of conduct must
28 be such as would cause a reasonable person to suffer substantial
29 emotional distress, and must actually cause substantial emotional
30 distress to the person. “Course of conduct” means a pattern of
31 conduct composed of a series of acts over a period of time,
32 however short, evidencing a continuity of purpose. Constitution-
33 ally protected activity is not included within the meaning of
34 “course of conduct”.

35 (e) For the purposes of this section, “a credible threat” means
36 a threat made with the intent and the apparent ability to carry
37 out the threat so as to cause the person who is the target of the
38 threat to reasonably fear for his or her safety. The threat must
39 be against the life of, or a threat to cause great bodily injury to,
40 a person.

41 This section shall not apply to conduct which occurs during
42 labor picketing.