

HOUSE BILL NO. 451

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee on the Judiciary

on \_\_\_\_\_)

(Patron Prior to Substitute--Delegate Bennett-Parker)

A BILL to amend and reenact § 18.2-60.3 of the Code of Virginia, relating to stalking; venue; penalty.

**Be it enacted by the General Assembly of Virginia:**

**1. That § 18.2-60.3 of the Code of Virginia is amended and reenacted as follows:**

**§ 18.2-60.3. Stalking; penalty.**

A. Any person, except a law-enforcement officer, as defined in § 9.1-101, and acting in the performance of his official duties, and a registered private investigator, as defined in § 9.1-138, who is regulated in accordance with § 9.1-139 and acting in the course of his legitimate business, who on more than one occasion engages in conduct directed at another person with the intent to place, or when he knows or reasonably should know that the conduct places that other person in reasonable fear of death, criminal sexual assault, or bodily injury to that other person or to that other person's family or household member is guilty of a Class 1 misdemeanor. If the person contacts or follows or attempts to contact or follow the person at whom the conduct is directed after being given actual notice that the person does not want to be contacted or followed, such actions shall be prima facie evidence that the person intended to place that other person, or reasonably should have known that the other person was placed, in reasonable fear of death, criminal sexual assault, or bodily injury to himself or a family or household member.

B. Any person who is convicted of a second offense of subsection A occurring within five years of a prior conviction of such an offense under this section or for a substantially similar offense under the law of any other jurisdiction is guilty of a Class 6 felony.

C. A person may be convicted under this section ~~irrespective of the~~ in any jurisdiction ~~or jurisdictions~~ within the Commonwealth wherein the conduct described in subsection A occurred, if the person engaged in that conduct on at least one occasion in the jurisdiction where the person is tried or in

27 the jurisdiction where the person at whom the conduct is directed resides or resided at the time of receiving  
28 a communication from the person engaged in the conduct placing him in reasonable fear of death, criminal  
29 sexual assault, or bodily injury to himself or a family or household member. Evidence of any such conduct  
30 that occurred outside the Commonwealth may be admissible, if relevant, in any prosecution under this  
31 section ~~provided that the prosecution is based upon conduct occurring within the Commonwealth.~~

32 D. Upon finding a person guilty under this section, the court shall, in addition to the sentence  
33 imposed, issue an order prohibiting contact between the defendant and the victim or the victim's family or  
34 household member.

35 E. The Department of Corrections, sheriff or regional jail director shall give notice prior to the  
36 release from a state correctional facility or a local or regional jail of any person incarcerated upon  
37 conviction of a violation of this section, to any victim of the offense who, in writing, requests notice, or  
38 to any person designated in writing by the victim. The notice shall be given at least 15 days prior to release  
39 of a person sentenced to a term of incarceration of more than 30 days or, if the person was sentenced to a  
40 term of incarceration of at least 48 hours but no more than 30 days, 24 hours prior to release. If the person  
41 escapes, notice shall be given as soon as practicable following the escape. The victim shall keep the  
42 Department of Corrections, sheriff or regional jail director informed of the current mailing address and  
43 telephone number of the person named in the writing submitted to receive notice.

44 All information relating to any person who receives or may receive notice under this subsection  
45 shall remain confidential and shall not be made available to the person convicted of violating this section.

46 For purposes of this subsection, "release" includes a release of the offender from a state  
47 correctional facility or a local or regional jail (i) upon completion of his term of incarceration or (ii) on  
48 probation or parole.

49 No civil liability shall attach to the Department of Corrections nor to any sheriff or regional jail  
50 director or their deputies or employees for a failure to comply with the requirements of this subsection.

51 F. For purposes of this section:

52 "Family or household member" has the same meaning as provided in § 16.1-228.

53 2. That the provisions of this act may result in a net increase in periods of imprisonment or  
54 commitment. Pursuant to § 30-19.1:4 of the Code of Virginia, the estimated amount of the necessary  
55 appropriation is \_\_\_\_\_ for periods of imprisonment in state adult correctional facilities;  
56 therefore, Chapter 552 of the Acts of Assembly of 2021, Special Session I, requires the Virginia  
57 Criminal Sentencing Commission to assign a minimum fiscal impact of \$50,000. Pursuant to § 30-  
58 19.1:4 of the Code of Virginia, the estimated amount of the necessary appropriation is \_\_\_\_\_ for  
59 periods of commitment to the custody of the Department of Juvenile Justice.

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