HB 1852 -- Harassment and Stalking Offenses

Sponsor: Smith (14)

Currently, a person is guilty of the crime of harassment, a class A misdemeanor, if the person communicates in writing or by telephone a threat to commit any felony, makes a telephone call or communicates in writing and uses coarse language offensive to one of average sensibility, makes a telephone call anonymously or makes repeated telephone calls in order to frighten or disturb another person. This bill expands the crime of harassment to include actions in which the person:

(1) Knowingly communicates a threat to commit any felony to another person in order to frighten, intimidate, disturb, or cause emotional distress to the other person;

(2) Communicates with another person and knowingly uses coarse language or expressions that are unwanted and offensive to the average sensibility;

(3) Knowingly frightens, intimidates, disturbs, or causes emotional distress to another person by making a telephone call anonymously;

(4) Knowingly communications with another person who is, or purports to be, 17 years of age or younger and without good cause recklessly frightens, intimidates, disturbs, or cause emotional distress to the other person or knowingly makes a misrepresentation or conceals a material fact relating to the identity, age, residence, or location of himself or herself;

(5) Knowingly makes repeated unwanted communications to another person; or

(6) Recklessly and without good cause engages in any other act that frightens, intimidates, disturbs, or causes emotional distress to another person.

The crime of harassment is a class A misdemeanor unless it is committed by a person 21 years of age or older against a person 17 years of age or younger; the person knowingly communicates a threat to commit a felony with the purpose of frightening, intimidating, disturbing, or causing emotional distress to the other person; or the person has pled guilty to or been found guilty of a previous harassment violation or a municipal ordinance, other state law, or federal or military offense relating to harassment in which case the person will be guilty of a class D felony.

The bill also revises the crime of stalking by eliminating the requirement that a person must repeatedly harass or follow with the intent of harassing another person. A person is guilty of the crime of aggravated stalking if he or she purposely harasses or follows with the intent of harassing another person and makes a credible threat; acts in violation of an order of protection and the person has received actual notice of the order; acts in violation of a condition of probation, parole, pretrial release, or release on bond pending appeal; the other person is 17 years of age or younger and the person is 21 years of age or older; or the person has previously pled guilty to or been found guilty of domestic assault, violation of an order of protection, or any other crime where the other person was the victim.

The crime of stalking is a class A misdemeanor unless the person has previously pled guilty to or been found guilty of a stalking or aggravated stalking violation or a municipal ordinance, other state law, or federal or military offense relating to stalking in which case the person will be guilty of a class D felony. The bill increases the penalty for the crime of aggravated stalking from a class D felony to a class C felony and specifies that if the person has previously pled guilty to or been found guilty of a stalking or aggravated stalking violation or a municipal ordinance, other state law, or federal or military offense relating to stalking in which case the person will be guilty of a class B felony.

Federal, state, county, or municipal law enforcement officers conducting investigations of a violation of federal, state, county, or municipal law will not be guilty of stalking or aggravated stalking. School administrators must report any acts of harassment or stalking committed on school property to the appropriate law enforcement agency.