

By Representative Villalobos

1 A bill to be entitled
2 An act relating to stalking; creating the
3 "Jennifer Act"; amending s. 784.048, F.S.;
4 defining the offense of aggravated stalking of
5 a minor under age 16; providing penalties;
6 providing an effective date.

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8 Be It Enacted by the Legislature of the State of Florida:

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10 Section 1. This act may be cited as the "Jennifer
11 Act."

12 Section 2. Section 784.048, Florida Statutes, is
13 amended to read:

14 784.048 Stalking; definitions; penalties.--

15 (1) As used in this section, the term:

16 (a) "Harass"~~"Harasses"~~ means to engage in a course of
17 conduct directed at a specific person that causes substantial
18 emotional distress in such person and serves no legitimate
19 purpose.

20 (b) "Course of conduct" means a pattern of conduct
21 composed of a series of acts over a period of time, however
22 short, evidencing a continuity of purpose. Constitutionally
23 protected activity is not included within the meaning of
24 "course of conduct." Such constitutionally protected activity
25 includes picketing or other organized protests.

26 (c) "Credible threat" means a threat made with the
27 intent to cause the person who is the target of the threat to
28 reasonably fear for his or her safety. The threat must be
29 against the life of, or a threat to cause bodily injury to, a
30 person.

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1 (2) Any person who willfully, maliciously, and
2 repeatedly follows or harasses another person commits the
3 offense of stalking, a misdemeanor of the first degree,
4 punishable as provided in s. 775.082 or s. 775.083.

5 (3) Any person who willfully, maliciously, and
6 repeatedly follows or harasses another person, and makes a
7 credible threat with the intent to place that person in
8 reasonable fear of death or bodily injury, commits the offense
9 of aggravated stalking, a felony of the third degree,
10 punishable as provided in s. 775.082, s. 775.083, or s.
11 775.084.

12 (4) Any person who, after an injunction for protection
13 against repeat violence pursuant to s. 784.046, or an
14 injunction for protection against domestic violence pursuant
15 to s. 741.30, or after any other court-imposed prohibition of
16 conduct toward the subject person or that person's property,
17 knowingly, willfully, maliciously, and repeatedly follows or
18 harasses another person commits the offense of aggravated
19 stalking, a felony of the third degree, punishable as provided
20 in s. 775.082, s. 775.083, or s. 775.084.

21 (5) Any person who willfully, maliciously, and
22 repeatedly follows or harasses a minor under 16 years of age
23 commits the offense of aggravated stalking, a felony of the
24 third degree, punishable as provided in s. 775.082, s.
25 775.083, or s. 775.084.

26 ~~(6)~~(5) Any law enforcement officer may arrest, without
27 a warrant, any person he or she has probable cause to believe
28 has violated the provisions of this section.

29 Section 3. This act shall take effect October 1, 1997.
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SENATE SUMMARY

Provides that willful, malicious, and repeated following or harassing of a minor under 16 years of age constitutes "aggravated stalking," which is made a third-degree felony and for which a suspected offender may be arrested without warrant.