

Bill No. CS for CS for SB 144, 1st Eng.

Amendment No.      Barcode 675640

<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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Senator Geller moved the following amendment:

**Senate Amendment (with title amendment)**

On page 5, line 6,

insert:

Section 1. Effective October 1, 2001, section 784.048, Florida Statutes, is amended to read:

784.048 Stalking; definitions; penalties.--

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

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

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

(c) "Credible threat" means a threat made with the

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1 intent to cause the person who is the target of the threat to  
2 reasonably fear for his or her safety. The threat must be  
3 against the life of, or a threat to cause bodily injury to, a  
4 person.

5 (d) "Cyberstalk" means to communicate words, images,  
6 or language by or through the use of electronic mail or  
7 electronic communication, which communication is directed at a  
8 specific person, causes substantial emotional distress in such  
9 person, and does not serve a legitimate purpose.

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

14 (3) Any person who willfully, maliciously, and  
15 repeatedly follows, or harasses, or cyberstalks another  
16 person, and makes a credible threat with the intent to place  
17 that person in reasonable fear of death or bodily injury of  
18 the person or the person's child, sibling, spouse, or  
19 dependent, commits the offense of aggravated stalking, a  
20 felony of the third degree, punishable as provided in s.  
21 775.082, s. 775.083, or s. 775.084.

22 (4) Any person who, after an injunction for protection  
23 against repeat violence pursuant to s. 784.046, or an  
24 injunction for protection against domestic violence pursuant  
25 to s. 741.30, or after any other court-imposed prohibition of  
26 conduct toward the subject person or that person's property,  
27 knowingly, willfully, maliciously, and repeatedly follows, or  
28 harasses, or cyberstalks another person commits the offense of  
29 aggravated stalking, a felony of the third degree, punishable  
30 as provided in s. 775.082, s. 775.083, or s. 775.084.

31 (5) Any person who willfully, maliciously, and

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1 repeatedly follows, or harasses, or cyberstalks a minor under  
2 16 years of age commits the offense of aggravated stalking, a  
3 felony of the third degree, punishable as provided in s.  
4 775.082, s. 775.083, or s. 775.084.

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

8  
9 (Redesignate subsequent sections.)

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12 ===== T I T L E A M E N D M E N T =====

13 And the title is amended as follows:

14 On page 1, line 2, after the semicolon,

15

16 insert:

17 amending s. 784.048, F.S.; defining the term  
18 "cyberstalk" to mean communication by means of  
19 electronic mail or electronic communication  
20 which causes substantial emotional distress and  
21 does not serve a legitimate purpose; including  
22 within the offenses of stalking and aggravated  
23 stalking the willful, malicious, and repeated  
24 cyberstalking of another person; providing  
25 penalties; revising the elements of the offense  
26 of aggravated stalking to include placing a  
27 person in fear of death or bodily injury of the  
28 person or the person's child, sibling, spouse,  
29 or dependent;

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