

Senate File 468 - Introduced

SENATE FILE 468
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SF 209)

(COMPANION TO HF 455 BY
BENNETT)

A BILL FOR

1 An Act relating to the definition of stalking and making
2 penalties applicable.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 708.11, subsection 1, paragraph b, Code
2 2017, is amended to read as follows:

3 *b. "Course of conduct"* means repeatedly maintaining a visual
4 or physical proximity to a person without legitimate purpose,
5 repeatedly utilizing a technological device to locate, listen
6 to, or watch a person without legitimate purpose, or repeatedly
7 conveying oral or written threats, threats implied by conduct,
8 or a combination thereof, directed at or toward a person.

9 Sec. 2. Section 708.11, subsection 2, Code 2017, is amended
10 to read as follows:

11 2. A person commits stalking when all of the following
12 occur:

13 *a.* The person purposefully engages in a course of conduct
14 directed at a specific person that would cause a reasonable
15 person to feel terrorized, frightened, intimidated, or
16 threatened or to fear that the person intends to cause bodily
17 injury to, or the death of, that specific person or a member of
18 the specific person's immediate family.

19 *b.* The person has knowledge or should have knowledge
20 that ~~the specific person will be placed in reasonable fear~~
21 ~~of~~ a reasonable person would feel terrorized, frightened,
22 intimidated, or threatened or fear that the person intends to
23 cause bodily injury to, or the death of, that specific person
24 or a member of the specific person's immediate family by the
25 course of conduct.

26 ~~*c.* The person's course of conduct induces fear in the~~
27 ~~specific person of bodily injury to, or the death of, the~~
28 ~~specific person or a member of the specific person's immediate~~
29 ~~family.~~

30 EXPLANATION

31 The inclusion of this explanation does not constitute agreement with
32 the explanation's substance by the members of the general assembly.

33 This bill relates to the definition of stalking.

34 The bill expands the definition of "course of conduct"
35 for purposes of the definition of the crime of stalking

1 contained in Code section 708.11 to include situations where a
2 technological device is repeatedly used to locate, listen to,
3 or watch a person without a legitimate purpose.

4 The bill modifies the elements of the criminal offense
5 of stalking to provide that a person commits the crime of
6 stalking when the person both purposefully engages in a course
7 of conduct directed at a specific person that would cause a
8 reasonable person to feel terrorized, frightened, intimidated,
9 or threatened or to fear that the person intends to cause
10 bodily injury to, or the death of, that specific person or a
11 member of the specific person's immediate family and the person
12 has knowledge or should have knowledge that a reasonable person
13 would feel terrorized, frightened, intimidated, or threatened
14 or fear that the person intends to cause bodily injury to, or
15 the death of, that specific person or a member of the specific
16 person's immediate family. The bill eliminates a current
17 element of stalking requiring the person's course of conduct to
18 actually induce fear in the victim of bodily injury to or death
19 of the victim or the victim's family member.

20 A person who commits stalking in violation of Code section
21 708.11 is subject to criminal penalties ranging from an
22 aggravated misdemeanor (confinement for no more than two years
23 and a fine of at least \$625 but not more than \$6,250) to a class
24 "C" felony (confinement for no more than 10 years and a fine of
25 at least \$1,000 but not more than \$10,000).