

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

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SENATE BILL 617*

Short Title: Stalking Law Conforming Changes.

(Public)

Sponsors: Senator Hartsell.

Referred to: Judiciary II.

March 17, 2009

1 A BILL TO BE ENTITLED
2 AN ACT TO MAKE CONFORMING CORRECTIONS RELATED TO THE REPEALED
3 STALKING STATUTE, AS RECOMMENDED BY THE GENERAL STATUTES
4 COMMISSION.

5 The General Assembly of North Carolina enacts:

6 **SECTION 1.** G.S. 14-415.12(b)(8) reads as rewritten:

7 "(8) Is or has been adjudicated guilty of or received a prayer for judgment
8 continued or suspended sentence for one or more crimes of violence
9 constituting a misdemeanor, including but not limited to, a violation of a
10 misdemeanor under Article 8 of Chapter 14 of the General Statutes, or a
11 violation of a misdemeanor under G.S. 14-225.2, 14-226.1, 14-258.1,
12 14-269.2, 14-269.3, 14-269.4, 14-269.6, 14-276.1, 14-277, 14-277.1,
13 14-277.2, ~~14-277.3~~, ~~14-277.3A~~, 14-281.1, 14-283, 14-288.2, 14-288.4(a)(1)
14 or (2), 14-288.6, 14-288.9, 14-288.12, 14-288.13, 14-288.14, 14-318.2,
15 14-415.21(b), ~~or 14-415.26(d)~~, 14-415.26(d), or former G.S. 14-277.3."

16 **SECTION 2.** G.S. 15A-266.4(b)(3) reads as rewritten:

17 "(3) G.S. 14-277.3A or former G.S. 14-277.3 – Stalking."

18 **SECTION 3.** G.S. 15A-830(a)(7) reads as rewritten:

19 "(7) Victim. – A person against whom there is probable cause to believe one of
20 the following crimes was committed:

- 21 a. A Class A, B1, B2, C, D, or E felony.
22 b. A Class F felony if it is a violation of one of the following:
23 G.S. 14-16.6(b); 14-16.6(c); 14-18; 14-32.1(e); 14-32.2(b)(3);
24 14-32.3(a); 14-32.4; 14-34.2; 14-34.6(c); 14-41; 14-43.3; 14-43.11;
25 14-190.17; 14-190.19; 14-202.1; ~~14-277.3~~; ~~14-277.3A~~; 14-288.9; ~~or~~
26 ~~20-138.5~~; ~~20-138.5~~; or former G.S. 14-277.3.
27 c. A Class G felony if it is a violation of one of the following:
28 G.S. 14-32.3(b); 14-51; 14-58; 14-87.1; or 20-141.4.
29 d. A Class H felony if it is a violation of one of the following:
30 G.S. 14-32.3(a); 14-32.3(c); ~~14-33.2~~; 14-33.2; 14-277.3A; or former
31 G.S. 14-277.3.
32 e. A Class I felony if it is a violation of one of the following:
33 G.S. 14-32.3(b); 14-34.6(b); or 14-190.17A.
34 f. An attempt of any of the felonies listed in this subdivision if the
35 attempted felony is punishable as a felony.
36 g. Any of the following misdemeanor offenses when the offense is
37 committed between persons who have a personal relationship as



1 defined in G.S. 50B-1(b): G.S. 14-33(c)(1); 14-33(c)(2); 14-33(a);
2 14-34; 14-134.3; 14-277.3A; or former G.S. 14-277.3.

3 h. Any violation of a valid protective order under G.S. 50B-4.1."

4 **SECTION 4.** G.S. 15C-2(12) reads as rewritten:

5 "(12) Victim of stalking. – An individual against whom stalking, as described in
6 ~~G.S. 14-277.3~~, former G.S. 14-277.3 for acts occurring before December 1,
7 2008, or G.S. 14-277.3A for acts occurring on or after December 1, 2008,
8 has been committed."

9 **SECTION 5.** G.S. 50B-1(a)(2) reads as rewritten:

10 "(2) Placing the aggrieved party or a member of the aggrieved party's family or
11 household in fear of imminent serious bodily injury or continued
12 harassment, as defined in G.S. ~~14-277.3~~, 14-277.3A, that rises to such a level
13 as to inflict substantial emotional distress; or".

14 **SECTION 6.** G.S. 50C-1(6) reads as rewritten:

15 "(6) Stalking. – On more than one occasion, following or otherwise harassing, as
16 defined in G.S. ~~14-277.3(e)~~, 14-277.3A(b)(2), another person without legal
17 purpose with the intent to do any of the following:

18 a. Place the person in reasonable fear either for the person's safety or
19 the safety of the person's immediate family or close personal
20 associates.

21 b. Cause that person to suffer substantial emotional distress by placing
22 that person in fear of death, bodily injury, or continued harassment
23 and that in fact causes that person substantial emotional distress."

24 **SECTION 7.** G.S. 95-260(3)b. reads as rewritten:

25 "b. Willfully, and on more than one occasion, following, being in the
26 presence of, or otherwise harassing, as defined in G.S. ~~14-277.3~~,
27 14-277.3A, without legal purpose and with the intent to place the
28 employee in reasonable fear for the employee's safety."

29 **SECTION 8.** This act is effective when it becomes law.