

106TH CONGRESS
1ST SESSION

S. 1660

To amend title 18, United States Code, to expand the prohibition on stalking,
and for other purposes.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 29, 1999

Mrs. HUTCHISON introduced the following bill; which was read twice and
referred to the Committee on the Judiciary

A BILL

To amend title 18, United States Code, to expand the
prohibition on stalking, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Stalking Prevention
5 and Victim Protection Act of 1999”.

6 **SEC. 2. EXPANSION OF THE PROHIBITION ON STALKING.**

7 (a) IN GENERAL.—Section 2261A of title 18, United
8 States Code, is amended to read as follows:

1 **“§ 2261A. Stalking**

2 “(a) Whoever stalks an individual, in or affecting
3 interstate or foreign commerce, within the special mari-
4 time and territorial jurisdiction of the United States, or
5 within Indian country, shall be punished as provided in
6 section 2261.

7 “(b) For purposes of this section—

8 “(1) a person stalks an individual if the person,
9 on 2 or more occasions—

10 “(A) engages in any conduct that results
11 in the individual’s reasonable fear of—

12 “(i) death or bodily injury to that in-
13 dividual; or

14 “(ii) the death of, or bodily injury to,
15 a member of that individual’s immediate
16 family; and

17 “(B) knows or has reasonable cause to be-
18 lieve that such conduct results in that fear; and

19 “(2) the term ‘immediate family’ means, with
20 respect to an individual, a spouse, parent, child or
21 sibling of the individual, or any other person who
22 regularly resides, or in the most recent 6 months
23 regularly resided, in the household of the individual.

24 “(c) The court shall at the time of sentencing for an
25 offense under this section issue an appropriate protection
26 order designed to protect the victim from further stalking

1 by the convicted person. That order shall continue in effect
2 until the victim communicates to the court that the order
3 is no longer needed.”.

4 (b) NO BAIL IF PRIOR CRIME OF VIOLENCE.—Sec-
5 tion 3142(e) of title 18, United States Code, is amended
6 by adding at the end the following: “In a case in which
7 a violation of section 2261A is charged and the person
8 has a prior conviction for a crime of violence under Fed-
9 eral or State law, the judicial officer shall not hold a hear-
10 ing under subsection (f), and shall order the detention of
11 the person before trial, if that conviction was for an of-
12 fense against the same victim as in the current charge,
13 or a member of that victim’s family, or if that conviction
14 became final less than 5 years before the conduct consti-
15 tuting the alleged violation of section 2261A took place.
16 In computing the 5-year period for the purposes of the
17 application of the preceding sentence, no time shall be in-
18 cluded that the convicted person spent in prison pursuant
19 to that conviction.”.

20 (c) AMENDMENT TO SENTENCING GUIDELINES.—
21 Pursuant to its authority under section 994 of title 28,
22 United States Code, the United States Sentencing Com-
23 mission shall amend the Sentencing Guidelines to provide
24 an appropriate sentence enhancement for a defendant con-
25 victed under section 2261A of title 18, United States

1 Code, in a case in which the defendant has a prior convic-
2 tion under Federal or State law of a crime of violence (as
3 defined in section 16 of such title 18) against the same
4 victim as in the current offense or against a member of
5 that victim's family.

6 (d) CLERICAL AMENDMENT.—The table of sections
7 at the beginning of chapter 110A of title 18, United States
8 Code, is amended by striking the item relating to section
9 2261A and inserting the following:

“2261A. Stalking.”.

