

111TH CONGRESS
2D SESSION

H. R. 5662

IN THE SENATE OF THE UNITED STATES

JULY 28, 2010

Received; read twice and referred to the Committee on the Judiciary

AN ACT

To amend title 18, United States Code, with respect to
the offense of stalking.

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

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Simplifying The Am-
3 biguous Law, Keeping Everyone Reliably Safe Act of
4 2010” or the “STALKERS Act of 2010”.

5 **SEC. 2. STALKING.**

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

8 **“§ 2261A. Stalking**

9 “(a) Whoever, with intent to kill, physically injure,
10 harass, or intimidate a person, or place under surveillance
11 with the intent to kill, physically injure, harass, or intimi-
12 date a person, travels in interstate or foreign commerce
13 or within the special maritime and territorial jurisdiction
14 of the United States, or enters or leaves Indian country,
15 and in the course of, or as a result of, such travel—

16 “(1) causes or attempts to cause bodily injury
17 or serious emotional distress to a person other than
18 the person engaging in the conduct; or

19 “(2) engages in conduct that would be reason-
20 ably expected to cause the other person serious emo-
21 tional distress;

22 shall be punished as provided in subsection (c).

23 “(b) Whoever, with intent to kill, physically injure,
24 harass, or intimidate a person, engages in a course of con-
25 duct in or substantially affecting interstate or foreign com-
26 merce that—

1 “(1) causes or attempts to cause bodily injury
2 or serious emotional distress to a person other than
3 the person engaging in the conduct; or

4 “(2) occurs in circumstances where the conduct
5 would be reasonably expected to cause the other per-
6 son serious emotional distress;

7 shall be punished as provided in subsection (c).

8 “(c) The punishment for an offense under this section
9 is the same as that for an offense under section 2261,
10 except that—

11 “(1) if the offense involves conduct in violation
12 of a protection order; and

13 “(2) if the victim of the offense is under the
14 age of 18 years or over the age of 65 years, the of-
15 fender has reached the age of 18 years at the time
16 the offense was committed, and the offender knew or
17 should have known that the victim was under the
18 age of 18 years or over the age of 65 years;

19 the maximum term of imprisonment that may be imposed
20 is increased by 5 years over the term of imprisonment oth-
21 erwise provided for that offense in section 2261.”.

22 (b) CLERICAL AMENDMENT.—The item relating to
23 section 2261A in the table of sections at the beginning
24 of chapter 110A of title 18, United States Code, is amend-
25 ed to read as follows:

“2261A. Stalking.”.

1 **SEC. 3. BEST PRACTICES REGARDING ENFORCEMENT OF**
2 **ANTI-STALKING LAWS TO BE INCLUDED IN**
3 **ANNUAL REPORT OF THE ATTORNEY GEN-**
4 **ERAL.**

5 In the annual report under section 529 of title 28,
6 United States Code, the Attorney General shall—

7 (1) include an evaluation of Federal, tribal,
8 State, and local efforts to enforce laws relating to
9 stalking; and

10 (2) identify and describe those elements of such
11 efforts that constitute the best practices for the en-
12 forcement of such laws.

13 **SEC. 4. PAYGO COMPLIANCE.**

14 The budgetary effects of this Act, for the purpose of
15 complying with the Statutory Pay-As-You-Go Act of 2010,
16 shall be determined by reference to the latest statement
17 titled “Budgetary Effects of PAYGO Legislation” for this
18 Act, submitted for printing in the Congressional Record
19 by the Chairman of the House Budget Committee, pro-
20 vided that such statement has been submitted prior to the
21 vote on passage.

Passed the House of Representatives July 27, 2010.

Attest: LORRAINE C. MILLER,
Clerk.