

111TH CONGRESS
2D SESSION

S. 3651

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

IN THE SENATE OF THE UNITED STATES

JULY 27, 2010

Ms. KLOBUCHAR 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, 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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as 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) IN GENERAL.—It shall be unlawful for any per-
10 son, with the intent to kill, physically injure, harass, in-

1 intimidate, or place under surveillance with the intent to kill,
 2 physically injure, harass, or intimidate a person, to—

3 “(1) travel in interstate or foreign commerce or
 4 within the special maritime and territorial jurisdic-
 5 tion of the United States, or enter or leave Indian
 6 country; and

7 “(2) in the course of, or as a result of, the trav-
 8 el, entering, or leaving described in paragraph (1)—

9 “(A) cause or attempt to cause bodily in-
 10 jury or serious emotional distress to a person
 11 other than the person engaging in the conduct;
 12 or

13 “(B) engage in conduct that would be rea-
 14 sonably expected to cause the other person seri-
 15 ous emotional distress.

16 “(b) COURSE OF CONDUCT.—It shall be unlawful for
 17 any person, with intent to kill, physically injure, harass,
 18 or intimidate a person, to engage in a course of conduct—

19 “(1) that is in or substantially affecting inter-
 20 state or foreign commerce; and

21 “(2) that—

22 “(A) causes or attempts to cause bodily in-
 23 jury or serious emotional distress to a person
 24 other than the person engaging in the conduct;
 25 or

1 “(B) occurs in circumstances where the
2 conduct would be reasonably expected to cause
3 the other person serious emotional distress.

4 “(c) PENALTIES.—

5 “(1) IN GENERAL.—Except as provided in para-
6 graph (2), any person who violates subsection (a) or
7 (b) shall be punished as provided for an offense
8 under section 2261.

9 “(2) EXCEPTION.—The otherwise applicable
10 maximum term of imprisonment for a violation of
11 subsection (a) or (b) shall be increased by 5 years
12 if—

13 “(A) the offense involves conduct in viola-
14 tion of a protection order; and

15 “(B) the victim of the offense is under the
16 age of 18 years or over the age of 65 years, the
17 offender has reached the age of 18 years, and
18 the offender knew or should have known that
19 the victim was under the age of 18 years or
20 over the age of 65 years.”.

21 (b) CLERICAL AMENDMENT.—The item relating to
22 section 2261A in the table of sections for chapter 110A
23 of title 18, United States Code, is amended to read as
24 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 the
11 efforts that constitute the best practices for the en-
12 forcement of laws relating to stalking.

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