

111TH CONGRESS
2D SESSION

S. 3727

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

IN THE SENATE OF THE UNITED STATES

AUGUST 5, 2010

Ms. KLOBUCHAR (for herself, Mrs. HUTCHISON, Mr. KOHL, and Mr. ISAKSON)
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 timidate, or place under surveillance with the intent to kill,
2 physically injure, harass, or intimidate another person,
3 to—

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

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

10 “(A) cause or attempt to cause bodily in-
11 jury or serious emotional distress to another
12 person; or

13 “(B) engage in conduct that would be rea-
14 sonably expected to cause another 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 another person, to engage in a course of con-
19 duct—

20 “(1) that uses the mail, any interactive com-
21 puter service, or any other facility of interstate or
22 foreign commerce; and

23 “(2) that—

1 “(A) causes or attempts to cause bodily in-
 2 jury or significant emotional distress to another
 3 person; or

4 “(B) occurs in circumstances where the
 5 conduct would be reasonably expected to cause
 6 another person significant emotional distress.

7 “(c) PENALTIES.—

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

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

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

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

24 (b) CLERICAL AMENDMENT.—The item relating to
 25 section 2261A in the table of sections for chapter 110A

1 of title 18, United States Code, is amended to read as
2 follows:

“2261A. Stalking”.

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

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

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

12 (2) identify and describe those elements of the
13 efforts that constitute the best practices for the en-
14 forcement of laws relating to stalking.

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