

105TH CONGRESS  
2D SESSION

# H. R. 3747

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

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## IN THE HOUSE OF REPRESENTATIVES

APRIL 29, 1998

Mrs. KELLY (for herself, Mr. ROYCE, Mrs. JOHNSON of Connecticut, Mr. CUNNINGHAM, Mr. LARGENT, Mrs. MYRICK, Mr. GREENWOOD, Mr. HANSEN, Mr. ROGERS, Mr. HEFLEY, Mr. HASTERT, Mr. FORBES, Mr. DREIER, Mr. GANSKE, Ms. PRYCE of Ohio, Mrs. CUBIN, Mr. FRANKS of New Jersey, Mr. HOBSON, Mr. SESSIONS, Mr. SHAYS, Mr. FRELINGHUYSEN, Mr. GILMAN, Mr. FOX of Pennsylvania, Mrs. ROUKEMA, Mr. BURTON of Indiana, Mr. EWING, Mr. WELLER, Mr. BOEHLERT, Mr. HOUGHTON, Mr. REGULA, Mrs. FOWLER, Mr. HORN, Mr. BILBRAY, Mr. GILLMOR, Mrs. MORELLA, Mr. EHLERS, Mr. BOEHNER, and Mr. LAZIO of New York) introduced the following bill; which was referred to the Committee on the Judiciary

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## 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 of 1998”.

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

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

4 **“§ 2261A. Stalking**

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

10 “(b) For purposes of this section—

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

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

15 “(i) death or bodily injury to that in-  
16 dividual; or

17 “(ii) the death of, or bodily injury to,  
18 a member of that individual’s immediate  
19 family; and

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

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

1       “(c) The court shall at the time of sentencing for an  
2 offense under this section issue an appropriate protection  
3 order designed to protect the victim from further stalking  
4 by the convicted person. That order shall continue in effect  
5 until the victim communicates to the court that the order  
6 is no longer needed.”.

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

23       (c) AMENDMENT TO SENTENCING GUIDELINES.—  
24 Pursuant to its authority under section 994 of title 28,  
25 United States Code, the United States Sentencing Com-

1 mission shall amend the Sentencing Guidelines to provide  
2 an appropriate sentence enhancement for a defendant con-  
3 victed under section 2261A of title 18, United States  
4 Code, in a case in which the defendant has a prior convic-  
5 tion under Federal or State law of a crime of violence (as  
6 defined in section 16 of such title 18) against the same  
7 victim as in the current offense or against a member of  
8 that victim's family.

9 (d) CLERICAL AMENDMENT.—The table of sections  
10 at the beginning of chapter 110A of title 18, United States  
11 Code, is amended by striking the item relating to section  
12 2261A and inserting the following:

“2261A. Stalking.”

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