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## FISCAL IMPACT REPORT

SPONSOR Picraux DATE TYPED 02/14/05 HB 439

SHORT TITLE Cyberstalking as Harassment & Stalking SB \_\_\_\_\_

ANALYST Ford

### APPROPRIATION

Appropriation Contained		Estimated Additional Impact		Recurring or Non-Rec	Fund Affected
FY05	FY06	FY05	FY06		
			NFI		

(Parenthesis ( ) Indicate Expenditure Decreases)

Duplicates SB 99

### SOURCES OF INFORMATION

LFC Files

#### Responses Received From

- Administrative Office of the Courts (AOC)
- Administrative Office of the District Attorneys (AODA)
- Attorney General (AGO)
- Corrections Department
- Public Defender Department (PDD)

### SUMMARY

#### Synopsis of Bill

House Bill 439 amends the Harassment and Stalking Act to specifically include cyberstalking and to change the required intent necessary for an offender to be convicted of stalking.

Specifically, House Bill 439 changes the language regarding intent from “the alleged stalker must intend to place another person in reasonable apprehension of death, bodily harm, sexual assault, confinement or restraint or the alleged stalker must intend to cause a reasonable person to hear for his safety or the safety of a household member.” To “the alleged stalker must intentionally act in a way that would place a reasonable person in reasonable apprehension...” This change reduces the intent that must be shown and may result in more convictions under the statute. For example, the AGO notes that a defendant could show that he/she truly did not know that his/her actions were causing the victim to fear death, bodily harm or sexual assault may avoid

conviction under the current statute.

The bill expands the definitions of harassment and stalking to include electronic means and expands the jurisdiction by providing that the offense of harassment or stalking by using an electronic communication device is deemed committed either at the place where the communication originated or where it was received.

### **FISCAL IMPLICATIONS**

The creation of any new criminal offense has the potential to result in increased costs to the courts, the AODA, the PDD, and the Corrections Department. However, the fiscal impact of House 439 is likely to be minor.

### **CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP**

This bill is a duplicate of Senate Bill 99.

**EF/sb**