

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009**

**SESSION LAW 2009-58
SENATE BILL 617**

AN ACT TO MAKE CONFORMING CORRECTIONS RELATED TO THE REPEALED STALKING STATUTE, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 14-415.12(b)(8) reads as rewritten:

"(8) Is or has been adjudicated guilty of or received a prayer for judgment continued or suspended sentence for one or more crimes of violence constituting a misdemeanor, including but not limited to, a violation of a misdemeanor under Article 8 of Chapter 14 of the General Statutes, or a violation of a misdemeanor under G.S. 14-225.2, 14-226.1, 14-258.1, 14-269.2, 14-269.3, 14-269.4, 14-269.6, 14-276.1, 14-277, 14-277.1, 14-277.2, ~~14-277.3~~, 14-277.3A, 14-281.1, 14-283, 14-288.2, 14-288.4(a)(1) or (2), 14-288.6, 14-288.9, 14-288.12, 14-288.13, 14-288.14, 14-318.2, 14-415.21(b), ~~or 14-415.26(d)~~, 14-415.26(d), or former G.S. 14-277.3."

SECTION 2. G.S. 15A-266.4(b)(3) reads as rewritten:

"(3) G.S. 14-277.3A or former G.S. 14-277.3 – Stalking."

SECTION 3. G.S. 15A-830(a)(7) reads as rewritten:

"(7) Victim. – A person against whom there is probable cause to believe one of the following crimes was committed:

- a. A Class A, B1, B2, C, D, or E felony.
- b. A Class F felony if it is a violation of one of the following: G.S. 14-16.6(b); 14-16.6(c); 14-18; 14-32.1(e); 14-32.2(b)(3); 14-32.3(a); 14-32.4; 14-34.2; 14-34.6(c); 14-41; 14-43.3; 14-43.11; 14-190.17; 14-190.19; 14-202.1; ~~14-277.3~~; 14-277.3A; 14-288.9; ~~or 20-138.5~~; 20-138.5; or former G.S. 14-277.3.
- c. A Class G felony if it is a violation of one of the following: G.S. 14-32.3(b); 14-51; 14-58; 14-87.1; or 20-141.4.
- d. A Class H felony if it is a violation of one of the following: G.S. 14-32.3(a); 14-32.3(c); ~~14-33.2~~; 14-33.2; 14-277.3A; or former G.S. 14-277.3.
- e. A Class I felony if it is a violation of one of the following: G.S. 14-32.3(b); 14-34.6(b); or 14-190.17A.
- f. An attempt of any of the felonies listed in this subdivision if the attempted felony is punishable as a felony.
- g. Any of the following misdemeanor offenses when the offense is committed between persons who have a personal relationship as defined in G.S. 50B-1(b): G.S. 14-33(c)(1); 14-33(c)(2); 14-33(a); 14-34; 14-134.3; 14-277.3A; or former G.S. 14-277.3.
- h. Any violation of a valid protective order under G.S. 50B-4.1."

SECTION 4. G.S. 15C-2(12) reads as rewritten:

"(12) Victim of stalking. – An individual against whom stalking, as described in ~~G.S. 14-277.3~~, former G.S. 14-277.3 for acts occurring before December 1, 2008, or G.S. 14-277.3A for acts occurring on or after December 1, 2008, has been committed."

SECTION 5. G.S. 50B-1(a)(2) reads as rewritten:

"(2) Placing the aggrieved party or a member of the aggrieved party's family or household in fear of imminent serious bodily injury or continued



harassment, as defined in G.S. ~~14-277.3~~, 14-277.3A, that rises to such a level as to inflict substantial emotional distress; or".

SECTION 6. G.S. 50C-1(6) reads as rewritten:

"(6) Stalking. – On more than one occasion, following or otherwise harassing, as defined in G.S. ~~14-277.3(e)~~, 14-277.3A(b)(2), another person without legal purpose with the intent to do any of the following:

- a. Place the person in reasonable fear either for the person's safety or the safety of the person's immediate family or close personal associates.
- b. Cause that person to suffer substantial emotional distress by placing that person in fear of death, bodily injury, or continued harassment and that in fact causes that person substantial emotional distress."

SECTION 7. G.S. 95-260(3)b. reads as rewritten:

"b. Willfully, and on more than one occasion, following, being in the presence of, or otherwise harassing, as defined in G.S. ~~14-277.3~~, 14-277.3A, without legal purpose and with the intent to place the employee in reasonable fear for the employee's safety."

SECTION 8. This act is effective when it becomes law.

In the General Assembly read three times and ratified this the 28th day of May,

2009.

s/ Marc Basnight
President Pro Tempore of the Senate

s/ Joe Hackney
Speaker of the House of Representatives

s/ Beverly E. Perdue
Governor

Approved 4:18 p.m. this 5th day of June, 2009