

1 State of Arkansas
2 95th General Assembly
3 Regular Session, 2025
4

A Bill

HOUSE BILL 1778

5 By: Representative Gazaway
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For An Act To Be Entitled

9 AN ACT TO AMEND THE LAW CONCERNING THE CRIMINAL
10 OFFENSE OF STALKING TO INCLUDE PLACING A PERSON IN
11 FEAR OF SEXUAL ACTS AGAINST HIMSELF OR HERSELF OR HIS
12 OR HER FAMILY OR HOUSEHOLD MEMBER; TO AMEND THE
13 DEFINITION OF COURSE OF CONDUCT WITH RESPECT TO
14 STALKING; AND FOR OTHER PURPOSES.
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Subtitle

17 TO AMEND THE LAW CONCERNING THE CRIMINAL
18 OFFENSE OF STALKING TO INCLUDE PLACING A
19 PERSON IN FEAR OF SEXUAL ACTS; AND TO
20 AMEND THE DEFINITION OF COURSE OF
21 CONDUCT WITH RESPECT TO STALKING.
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24 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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26 SECTION 1. Arkansas Code § 5-71-229(b)(1), concerning stalking in the
27 second degree, is amended to read as follows:

28 (b)(1) A person commits stalking in the second degree if he or she
29 knowingly engages in a course of conduct that harasses another person and
30 makes a terroristic threat with the purpose of:

31 (A) ~~placing~~ Placing that person in imminent fear of death
32 or serious bodily injury;

33 (B) ~~or placing~~ Placing that person in imminent fear of the
34 death or serious bodily injury of his or her ~~immediate~~ family or household
35 member as defined by § 5-26-302(2);

36 (C) Placing that person in imminent fear of unwanted



1 sexual intercourse, a deviate sexual activity, or other sexual contact; or
 2 (D) Placing that person in imminent fear of unwanted
 3 sexual intercourse, a deviate sexual activity, or other sexual contact
 4 against his or her family or household member as defined by § 5-26-302(2).

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 6 SECTION 2. Arkansas Code § 5-71-229(f)(1), concerning the course of
 7 conduct constituting stalking, is amended to read as follows:

8 (1)(A) "Course of conduct" means a pattern of conduct composed
 9 of two (2) or more acts, separated by at least thirty-six (36) hours, but
 10 occurring within one (1) year, including without limitation an act in which
 11 the actor directly, indirectly, or through a third party by any action,
 12 method, device, or means follows, monitors, observes, places under
 13 surveillance, threatens, or communicates to or about a person or interferes
 14 with a person's property.

15 (B) "Course of conduct" includes without limitation
 16 sending mail or electronic communication to a person via electronic mail,
 17 text messages, or any other type of electronic message sent using the
 18 internet, websites, or social media platforms.

19 (C)(i) "Course of conduct" does not include
 20 constitutionally protected activity.

21 (ii) If the defendant claims that he or she was
 22 engaged in a constitutionally protected activity, the court shall determine
 23 the validity of that claim as a matter of law and, if found valid, shall
 24 exclude that activity from evidence;

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