

2022 -- H 7247

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2022

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A N A C T

RELATING TO CRIMINAL OFFENSES - HARASSMENT

Introduced By: Representatives Knight, Cassar, Craven, Caldwell, McEntee, Kazarian,
Kislak, Noret, Felix, and Cortvriend

Date Introduced: January 28, 2022

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Title 11 of the General Laws entitled "CRIMINAL OFFENSES" is hereby
2 amended by adding thereto the following chapter:

3 CHAPTER 70

4 HARASSMENT

5 **11-70-1. Criminal harassment.**

6 A person is guilty of criminal harassment if that person willfully and maliciously engages
7 in a knowing pattern of conduct or series of acts over a period of time directed at a specific person,
8 which seriously alarms that person and would cause a reasonable person to suffer substantial
9 emotional distress. The conduct or acts described in this subsection shall include, but not be limited
10 to, conduct or acts conducted by mail or by use of a telephonic or telecommunication device or
11 electronic communication device including, but not limited to, any device that transfers signs,
12 signals, writing, images, sounds, data or intelligence of any nature transmitted in whole or in part
13 by a wire, radio, electromagnetic, photo-electronic or photo-optical system, including, but not
14 limited to, electronic mail, Internet communications, instant messages or facsimile
15 communications.

16 **11-70-2. Penalties for violations.**

17 Any person convicted of criminal harassment as provided under this chapter shall be
18 punished as follows:

19 (1) For a first offense shall be subject to imprisonment for not more than one year or by a

1 fine of not more than five hundred dollars (\$500), or both.

2 (2) For a second offense shall be subject to imprisonment for not more than three (3) years
3 or by a fine of not more than one thousand dollars (\$1,000), or both.

4 **11-70-3. Protective orders -- Penalty -- Jurisdiction.**

5 (a) A person suffering from harassment may file a complaint in the district court requesting
6 any order that will protect him or her from the harassment, including, but not limited to, the
7 following:

8 (1) Ordering that the defendant be restrained and enjoined from contacting, assaulting,
9 molesting, or otherwise interfering with the plaintiff at home, on the street, or elsewhere;

10 (2) Ordering the defendant to vacate the household forthwith, unless the defendant holds
11 sole legal interest in the household; and

12 (3) Upon motion by the plaintiff, his or her address shall be released only at the discretion
13 of the district court judge.

14 (b) Nothing in this section shall be construed to limit, expand, or in any way modify orders
15 issued under § 12-29-4 or § 15-5-19.

16 (c) Nothing in this section shall limit a defendant's right under existing law to petition the
17 court at a later date for modification of the order.

18 (d) The court shall immediately notify the person suffering from harassment whose
19 complaint gave rise to the protective order and the law enforcement agency where the person
20 restrained under this section resides of the hearing.

21 (e) The person suffering from harassment, local law enforcement, and the person restrained
22 under this section shall all have an opportunity to be present and to testify when the court considers
23 the petition.

24 (f) No order shall issue under this section that would have the effect of compelling a
25 defendant who has the sole legal interest in a residence to vacate that residence.

26 (g) The contempt order shall not be exclusive and shall not preclude any other available
27 civil or criminal remedies. Any relief granted by the court shall be for a fixed period of time not to
28 exceed one year, at the expiration of which time the court may extend any order upon motion of
29 the plaintiff for such additional time as it deems necessary to protect the plaintiff from harassment.
30 The court may modify its order at any time upon motion of either party.

31 (h) Any violation of a protective order under this section of which the defendant has actual
32 notice shall be a misdemeanor that shall be punished by a fine of not more than one thousand dollars
33 (\$1,000) or by imprisonment for not more than one year, or both.

34 (i) Actual notice" means that the defendant has received a copy of the order by service

1 [thereof or by being handed a copy of the order by a police officer pursuant to § 8-8.1-5\(d\).](#)

2 [\(j\) The district court shall have criminal jurisdiction over all violations of this chapter.](#)

3 SECTION 2. Section 11-52-4.2 of the General Laws in Chapter 11-52 entitled "Computer
4 Crime" is hereby amended to read as follows:

5 **11-52-4.2. Cyberstalking and cyberharassment prohibited.**

6 (a) Whoever transmits any communication by computer or other electronic device to any
7 person or causes any person to be contacted for the sole purpose of harassing that person or his or
8 her family is guilty of a misdemeanor, and shall be punished by a fine of not more than five hundred
9 dollars (\$500), by imprisonment for not more than one year, or both. For the purpose of this section,
10 "harassing" means any knowing and willful course of conduct directed at a specific person which
11 seriously alarms, annoys, or bothers the person, and which serves no legitimate purpose. The course
12 of conduct must be of a kind that would cause a reasonable person to suffer substantial emotional
13 distress, or be in fear of bodily injury. "Course of conduct" means a pattern of conduct composed
14 of a series of acts over a period of time, evidencing a continuity of purpose. Constitutionally
15 protected activity is not included within the meaning of "course of conduct."

16 (b) A second or subsequent conviction under subsection (a) of this section shall be deemed
17 a felony punishable by imprisonment for not more than ~~two (2)~~ [three \(3\)](#) years, by a fine of not
18 more than ~~six thousand dollars (\$6,000)~~ [one thousand dollars \(\\$1,000\)](#), or both.

19 SECTION 3. Sections 11-59-1 and 11-59-2 of the General Laws in Chapter 11-59 entitled
20 "Stalking" are hereby amended to read as follows:

21 **11-59-1. Definitions.**

22 For the purpose of this chapter:

23 ~~(1)~~ [\(1\)](#) "Course of conduct" means a pattern of conduct composed of a series of acts over a
24 period of time, evidencing a continuity of purpose. Constitutionally protected activity is not
25 included within the meaning of "course of conduct."

26 ~~(2) "Harasses" means a knowing and willful course of conduct directed at a specific person
27 with the intent to seriously alarm, annoy, or bother the person, and which serves no legitimate
28 purpose. The course of conduct must be such as would cause a reasonable person to suffer
29 substantial emotional distress, or be in fear of bodily injury.~~

30 **11-59-2. Stalking prohibited.**

31 (a) Any person who: ~~(1) harasses another person; or (2)~~ willfully, maliciously, and
32 repeatedly follows another person with the intent to place that person in reasonable fear of bodily
33 injury, is guilty of the crime of stalking.

34 (b) Stalking shall be deemed a felony punishable by imprisonment for not more than five

1 (5) years, by a fine of not more than ten thousand dollars (\$10,000), or both.

2 SECTION 4. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO CRIMINAL OFFENSES - HARASSMENT

- 1 This act would create a new criminal offense of harassment and allow victims to file for a
- 2 protective order in district court.
- 3 This act would take effect upon passage.

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