

## **Stalking:**

(A) Any person who willfully, maliciously and repeatedly follows or harasses another person in a manner that:

(i) Would cause a reasonable person or a member of the immediate family of that person as defined in subsection D of this section to feel frightened, intimidated, threatened, harassed or molested; and

(ii) Actually causes the person being followed or harassed to feel terrorized, frightened, intimidated, threatened, harassed or molested.

(B) Any person who violates the provisions of subsection A of this section when:

(i) There is a permanent or temporary restraining order, a protective order, an emergency ex parte protective order or an injunction in effect prohibiting the behavior described in subsection A of this section against the same party, when the person violating the provisions of subsection A of this section has actual notice of the issuance of such order or injunction; or

(ii) Said person is on probation or parole, a condition of which prohibits the behavior described in subsection A of this section against the same party or under the conditions of a community or alternative punishment; or

(iii) Said person, within ten (10) years preceding the violation of subsection A of this section, completed the execution of sentence for a conviction of a crime involving the use or threat of violence against the same party, or against any member of the immediate family of such party.

(C) Evidence that the individual continued to engage in a course of conduct involving repeated unconsented contact, as defined in subsection D of this section, with the victim after having been requested by the victim to discontinue the same or any other form of unconsented contact, and to refrain from any further unconsented contact with the victim, shall give rise to a rebuttable presumption that the continuation of the course of conduct caused the victim to feel terrorized, frightened, intimidated, threatened, harassed, or molested.

(D) For purposes of this section:

(i) "Harasses" means a pattern or course of conduct directed toward another individual that includes, but is not limited to, repeated or continuing unconsented contact, that would cause a reasonable person to suffer emotional distress and that actually causes emotional distress to the victim. Harassment shall include harassing or obscene phone calls as prohibited by Section 1172 of Title 21 (Oklahoma Penal Code, <https://www.oscn.net/v4/>) and conduct prohibited by Section 850 of Title 21 (Oklahoma Penal Code, <https://www.oscn.net/v4/>). Harassment does not include constitutionally protected activity or conduct that serves a legitimate purpose;

(ii) "Course of conduct" means a pattern of conduct composed of a series of two (2) or more separate acts over a period of time, however short, evidencing a continuity of purpose. Constitutionally protected activity is not included within the meaning of "course of conduct";

(iii) "Emotional distress" means significant mental suffering or distress that may, but does not necessarily require, medical or other professional treatment or counseling;

(iv) "Unconsented contact" means any contact with another individual that is initiated or continued without the consent of the individual, or in disregard of that individual's expressed desire that the contact be avoided or discontinued.

Constitutionally protected activity is not included within the meaning of "unconsented contact." Unconsented contact includes, but is not limited to:

(a) Following or appearing within the sight of that individual; (b)

Approaching or confronting that individual in a public place or on private property;

(c) Appearing at the workplace or residence of that individual; (d)

Entering onto or remaining on property owned, leased or occupied by that individual;

(e) Contacting that individual by telephone;

(f) Sending mail or electronic communications to that individual; and

(g) Placing an object on, or delivering an object to, property owned, leased or occupied by that individual.

(v) "Member of the immediate family," for the purposes of this section, means any spouse, parent, child, person related within the third degree of consanguinity or affinity or any other person who regularly resides in the household or who regularly resided in the household within the prior six (6) months (Oklahoma Penal Code, § 21-1173, [www.oscn.net](http://www.oscn.net)).