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SENATE BILL NO. 673
AMENDMENT IN THE NATURE OF A SUBSTITUTE
(Proposed by the Senate Committee for Courts of Justice
on _____)
(Patron Prior to Substitute—Senator Mulchi)

A BILL to amend the Code of Virginia by adding in Article 6 of Chapter 4 of Title 18.2 a section numbered 18.2-60.6, relating to cyberstalking; penalty.

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Article 6 of Chapter 4 of Title 18.2 a section numbered 18.2-60.6 as follows:

§ 18.2-60.6. Cyberstalking; penalty.

A. For purposes of this section:

"Electronically transmitted communication" includes (i) communication by telephone, computer, or other electronic device and (ii) the use or monitoring of location services on an application or device to remotely determine or track the position and movement of another person, regardless if such person has previously given consent for the accused to use or monitor such location services.

"Family or household member" has the same meaning as provided in § 16.1-228.

"Substantial emotional distress" means a state of emotional pain or distress resulting from the actions of another person when the intent of such actions is to threaten or intimidate.

B. Any person who on two or more occasions within a 90-day period engages in cyberstalking by sending an electronically transmitted communication directed at another person, without the consent of the victim or after previously given consent has been withdrawn by the victim, with the intent to place, or when he knows or reasonably should know that such conduct places, that other person in substantial emotional distress or in reasonable fear of death, criminal sexual assault, or bodily injury to that other person or to that other person's family or household member or intimate partner is guilty of a Class 1 misdemeanor.

C. Any person who is subject to (i) a protective order entered pursuant to § 16.1-253.1, 16.1-253.4, 16.1-278.2, 16.1-279.1, 19.2-152.8, 19.2-152.9, or 19.2-152.10; (ii) an order issued pursuant to subsection B of § 20-103; (iii) an order entered pursuant to subsection D of § 18.2-60.3; (iv) a preliminary protective order entered pursuant to subsection F of § 16.1-253 where a petition alleging abuse or neglect has been filed; or (v) an order issued by a tribunal of another state, the United States or any of its territories, possessions, or commonwealths, or the District of Columbia pursuant to a statute that is substantially similar to those cited in clauses (i), (ii), (iii), or (iv), who commits an act of cyberstalking, as described in subsection

33 *B, directed toward the protected person or persons of such order, after having actual notice of the existence*
34 *of such order, is guilty of a Class 6 felony.*

35 *D. The Department of Corrections, sheriff, or regional jail director shall give notice prior to the release*
36 *from a state correctional facility or a local or regional jail of any person incarcerated upon conviction of a*
37 *violation of this section to any victim of the offense who, in writing, requests notice or to any person*
38 *designated in writing by the victim. The notice shall be given at least 15 days prior to release of such person*
39 *sentenced to a term of incarceration of more than 30 days or, if such person was sentenced to a term of*
40 *incarceration of at least 48 hours but no more than 30 days, 24 hours prior to release. If the person escapes*
41 *from such state correctional facility or a local or regional jail, such notice shall be given as soon as*
42 *practicable following the escape. The victim shall keep the Department of Corrections, sheriff, or regional*
43 *jail director informed of the current mailing address and telephone number of the person named in the*
44 *writing submitted to receive notice.*

45 *All information relating to any person who receives or may receive notice under this subsection shall*
46 *remain confidential and shall not be made available to the person convicted of violating this section.*

47 *For purposes of this subsection, "release" includes a release of the offender from a state correctional*
48 *facility or a local or regional jail (i) upon completion of his term of incarceration or (ii) on probation or*
49 *parole.*

50 *No civil liability shall attach to the Department of Corrections or to any sheriff or local or regional jail*
51 *director or their deputies or employees for a failure to comply with the requirements of this subsection.*

52 **2. That the provisions of this act may result in a net increase in periods of imprisonment or**
53 **commitment. Pursuant to § 30-19.1:4 of the Code of Virginia, the estimated amount of the necessary**
54 **appropriation is _____ for periods of imprisonment in state adult correctional facilities; therefore,**
55 **Chapter 725 of the Acts of Assembly of 2025 requires the Virginia Criminal Sentencing Commission to**
56 **assign a minimum fiscal impact of \$50,000. Pursuant to § 30-19.1:4 of the Code of Virginia, the**
57 **estimated amount of the necessary appropriation is _____ for periods of commitment to the custody**
58 **of the Department of Juvenile Justice.**