

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32

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.

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communication directed at another person, without the consent of the victim or after previously given consent has been withdrawn by the victim, with the intent to harass, threaten, or intimidate such other person, or when he knows or reasonably should know that such conduct places such other person in reasonable fear of death, criminal sexual assault, or bodily injury to such other person or to such other person's family or household member or intimate partner is guilty of a Class 1 misdemeanor. In determining whether fear is reasonable under this subsection, the following factors may be considered:

- 1. The content and language of the communications;*
- 2. The frequency, duration, and timing of the communications;*
- 3. Any history of violence, threats, or intimidation between the parties;*
- 4. Whether the accused has made statements indicating he has access to weapons;*
- 5. Whether the accused has knowledge of the victim's residence, workplace, daily routine, or whereabouts;*
- 6. Whether the victim has explicitly told the accused to cease contact;*
- 7. Any protective orders or legal proceedings between the parties; and*

33 8. Any other relevant circumstances surrounding the communications.

34 C. If the respondent has actual knowledge of the issuance of a protective order and commits an assault
35 and battery upon any party protected by the protective order, other than a protective order issued pursuant to
36 subsection C of 19.2-152.10, resulting in bodily injury to the party or stalks any party protected by the
37 protective order in violation of subsection D of § 18.2-60.3, he is guilty of a Class 6 felony. Any person who
38 violates such a protective order, other than a protective order issued pursuant to subsection C of
39 § 19.2-152.10, by furtively entering the home of any protected party while the party is present, or by entering
40 and remaining in the home of the protected party until the party arrives, is guilty of a Class 6 felony, in
41 addition to any other penalty provided by law.

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

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

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

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

59 **2. That the provisions of this act may result in a net increase in periods of imprisonment or**
60 **commitment. Pursuant to § 30-19.1:4 of the Code of Virginia, the estimated amount of the necessary**
61 **appropriation is _____ for periods of imprisonment in state adult correctional facilities; therefore,**
62 **Chapter 725 of the Acts of Assembly of 2025 requires the Virginia Criminal Sentencing Commission to**
63 **assign a minimum fiscal impact of \$50,000. Pursuant to § 30-19.1:4 of the Code of Virginia, the**

64 estimated amount of the necessary appropriation is _____ for periods of commitment to the custody
65 of the Department of Juvenile Justice.