

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact § 18.2-60.3 of the Code of Virginia, relating to stalking by electronically*
 3 *transmitted communication; penalty.*

4 [S 673]

5 Approved

6 **Be it enacted by the General Assembly of Virginia:**7 **1. That § 18.2-60.3 of the Code of Virginia is amended and reenacted as follows:**8 **§ 18.2-60.3. Stalking; penalty.**9 *A. For purposes of this section:*10 *"Electronically transmitted communication" includes communication by telephone, computer, or other*
11 *electronic device.*12 *"Family or household member" has the same meaning as provided in § 16.1-228.*

13 *B. Any person, except a law-enforcement officer, as defined in § 9.1-101, and acting in the performance*
 14 *of his official duties, and a registered private investigator, as defined in § 9.1-138, who is regulated in*
 15 *accordance with § 9.1-139 and acting in the course of his legitimate business, who on more than one occasion*
 16 *engages in conduct, either in person or through any other means, including by mail, telephone, or an*
 17 *electronically transmitted communication, directed at another person with the intent to place, or when he*
 18 *knows or reasonably should know that the conduct places that other person in reasonable fear of death,*
 19 *criminal sexual assault, or bodily injury to that other person or to that other person's family or household*
 20 *member is guilty of a Class 1 misdemeanor. If the person contacts or follows or attempts to contact or follow*
 21 *the person at whom the conduct is directed after being given actual notice that the person does not want to be*
 22 *contacted or followed, such actions shall be prima facie evidence that the person intended to place that other*
 23 *person, or reasonably should have known that the other person was placed, in reasonable fear of death,*
 24 *criminal sexual assault, or bodily injury to himself or a family or household member.*

25 *B. C. Any person who is convicted of a second offense of subsection A B occurring within five years of a*
 26 *prior conviction of such an offense under this section or for a substantially similar offense under the law of*
 27 *any other jurisdiction is guilty of a Class 6 felony.*

28 *C. A person may be convicted under this section in any jurisdiction within the Commonwealth wherein*
 29 *the conduct described in subsection A B occurred, if the person engaged in that conduct on at least one*
 30 *occasion in the jurisdiction where the person is tried or in the jurisdiction where the person at whom the*
 31 *conduct is directed resided at the time of such conduct. Evidence of any such conduct that occurred outside*
 32 *the Commonwealth may be admissible, if relevant, in any prosecution under this section.*

33 *D. Upon finding a person guilty under this section, the court shall, in addition to the sentence imposed,*
 34 *issue an order prohibiting contact between the defendant and the victim or the victim's family or household*
 35 *member.*

36 *E. The Department of Corrections, sheriff, or regional jail director shall give notice prior to the release*
 37 *from a state correctional facility or a local or regional jail of any person incarcerated upon conviction of a*
 38 *violation of this section, to any victim of the offense who, in writing, requests notice, or to any person*
 39 *designated in writing by the victim. The notice shall be given at least 15 days prior to release of a person*
 40 *sentenced to a term of incarceration of more than 30 days or, if the person was sentenced to a term of*
 41 *incarceration of at least 48 hours but no more than 30 days, 24 hours prior to release. If the person escapes,*
 42 *notice shall be given as soon as practicable following the escape. The victim shall keep the Department of*
 43 *Corrections, sheriff, or regional jail director informed of the current mailing address and telephone number of*
 44 *the person named in the 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 nor to any sheriff or regional jail director or*
 51 *their deputies or employees for a failure to comply with the requirements of this subsection-*

52 *F. For purposes of this section:*53 *"Family or household member" has the same meaning as provided in § 16.1-228.*

54 **2. That the provisions of this act may result in a net increase in periods of imprisonment or**
 55 **commitment. Pursuant to § 30-19.1:4 of the Code of Virginia, the estimated amount of the necessary**
 56 **appropriation cannot be determined for periods of imprisonment in state adult correctional facilities;**

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57 therefore, Chapter 725 of the Acts of Assembly of 2025 requires the Virginia Criminal Sentencing
58 Commission to assign a minimum fiscal impact of \$50,000. Pursuant to § 30-19.1:4 of the Code of
59 Virginia, the estimated amount of the necessary appropriation cannot be determined for periods of
60 commitment to the custody of the Department of Juvenile Justice.