

GENERAL ASSEMBLY OF NORTH CAROLINA
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HOUSE BILL DRH10409-ST-34

Short Title: Stalking/Enhanced Penalties. (Public)

Sponsors: Representative Baker.

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO ENHANCE THE PENALTIES FOR SEXUAL BATTERY AND STALKING
3 WHEN THE PERPETRATOR IS A LOCAL GOVERNMENT ELECTED OFFICIAL AND
4 THE VICTIM IS A FELLOW GOVERNING BOARD MEMBER OR SUBORDINATE
5 EMPLOYEE.

6 The General Assembly of North Carolina enacts:

7 **SECTION 1.** G.S. 14-27.33 reads as rewritten:

8 "**§ 14-27.33. Sexual battery.**

9 (a) A person is guilty of sexual battery if the person, for the purpose of sexual arousal,
10 sexual gratification, or sexual abuse, engages in sexual contact with another person:

- 11 (1) By force and against the will of the other person; or
12 (2) Who has a mental disability or who is mentally incapacitated or physically
13 helpless, and the person performing the act knows or should reasonably know
14 that the other person has a mental disability or is mentally incapacitated or
15 physically helpless.

16 (b) Any person who commits the offense defined in this section is guilty of a Class A1
17 misdemeanor. Any person who commits the offense defined in this section while serving as a
18 public official as defined in G.S. 14-234.3 and the victim also was serving on the same governing
19 board or was an employee of that governing board at the time of the offense is guilty of a Class
20 H felony."

21 **SECTION 2.** G.S. 14-277.3A reads as rewritten:

22 "**§ 14-277.3A. Stalking.**

23 (a) Legislative Intent. – The General Assembly finds that stalking is a serious problem in
24 this State and nationwide. Stalking involves severe intrusions on the victim's personal privacy
25 and autonomy. It is a crime that causes a long-lasting impact on the victim's quality of life and
26 creates risks to the security and safety of the victim and others, even in the absence of express
27 threats of physical harm. Stalking conduct often becomes increasingly violent over time.

28 The General Assembly recognizes the dangerous nature of stalking as well as the strong
29 connections between stalking and domestic violence and between stalking and sexual assault.
30 Therefore, the General Assembly enacts this law to encourage effective intervention by the
31 criminal justice system before stalking escalates into behavior that has serious or lethal
32 consequences. The General Assembly intends to enact a stalking statute that permits the criminal
33 justice system to hold stalkers accountable for a wide range of acts, communications, and
34 conduct. The General Assembly recognizes that stalking includes, but is not limited to, a pattern
35 of following, observing, or monitoring the victim, or committing violent or intimidating acts
36 against the victim, regardless of the means.



1 (b) Definitions. – The following definitions apply in this section:

2 (1) Course of conduct. – Two or more acts, including, but not limited to, acts in
3 which the stalker directly, indirectly, or through third parties, by any action,
4 method, device, or means, is in the presence of, or follows, monitors, observes,
5 surveils, threatens, or communicates to or about a person, or interferes with a
6 person's property.

7 (2) Harasses or harassment. – Knowing conduct, including written or printed
8 communication or transmission, telephone, cellular, or other wireless
9 telephonic communication, facsimile transmission, pager messages or
10 transmissions, answering machine or voice mail messages or transmissions,
11 and electronic mail messages or other computerized or electronic
12 transmissions directed at a specific person that torments, terrorizes, or terrifies
13 that person and that serves no legitimate purpose.

14 (3) Reasonable person. – A reasonable person in the victim's circumstances.

15 (4) Substantial emotional distress. – Significant mental suffering or distress that
16 may, but does not necessarily, require medical or other professional treatment
17 or counseling.

18 (c) Offense. – A defendant is guilty of stalking if the defendant willfully on more than
19 one occasion harasses another person without legal purpose or willfully engages in a course of
20 conduct directed at a specific person without legal purpose and the defendant knows or should
21 know that the harassment or the course of conduct would cause a reasonable person to do any of
22 the following:

23 (1) Fear for the person's safety or the safety of the person's immediate family or
24 close personal associates.

25 (2) Suffer substantial emotional distress by placing that person in fear of death,
26 bodily injury, or continued harassment.

27 (d) Classification. – The following shall apply to convictions under this section:

28 (1) A violation of this section is a Class A1 misdemeanor. A defendant convicted
29 of a Class A1 misdemeanor under this section, who is sentenced to a
30 community punishment, shall be placed on supervised probation in addition
31 to any other punishment imposed by the court.

32 (2) A defendant who commits the offense of stalking after having been previously
33 convicted of a stalking offense is guilty of a Class F felony.

34 (3) A defendant who commits the offense of stalking when there is a court order
35 in effect prohibiting the conduct described under this section by the defendant
36 against the victim is guilty of a Class H felony.

37 (4) A defendant who commits the offense of stalking while serving as a public
38 official as defined in G.S. 14-234.3 and the victim also was serving on the
39 same governing board or was an employee of that governing board at the time
40 of the offense is guilty of a Class H felony.

41 (e) Jurisdiction. – Pursuant to G.S. 15A-134, if any part of the offense occurred within
42 North Carolina, including the defendant's course of conduct or the effect on the victim, then the
43 defendant may be prosecuted in this State."

44 **SECTION 3.** This act becomes effective December 1, 2025, and applies to offenses
45 committed on or after that date.