

Stricken language would be deleted from and underlined language would be added to present law.

State of Arkansas  
95th General Assembly  
Regular Session, 2025

As Engrossed: S4/8/25

## A Bill

HOUSE BILL 1778

By: Representative Gazaway

By: Senator Gilmore

### For An Act To Be Entitled

AN ACT TO AMEND THE LAW CONCERNING THE CRIMINAL OFFENSE OF STALKING TO INCLUDE PLACING A PERSON IN FEAR OF SEXUAL ACTS AGAINST HIMSELF OR HERSELF OR HIS OR HER FAMILY OR HOUSEHOLD MEMBER; TO AMEND THE DEFINITION OF COURSE OF CONDUCT WITH RESPECT TO STALKING; AND FOR OTHER PURPOSES.

### Subtitle

TO AMEND THE LAW CONCERNING THE CRIMINAL OFFENSE OF STALKING TO INCLUDE PLACING A PERSON IN FEAR OF SEXUAL ACTS; AND TO AMEND THE DEFINITION OF COURSE OF CONDUCT WITH RESPECT TO STALKING.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Arkansas Code § 5-71-229(b)(1), concerning stalking in the second degree, is amended to read as follows:

(b)(1) A person commits stalking in the second degree if he or she knowingly engages in a course of conduct that harasses another person and makes a terroristic threat with the purpose of:

(A) ~~placing~~ Placing that person in imminent fear of death or serious bodily injury;

(B) ~~or placing~~ Placing that person in imminent fear of the death or serious bodily injury of his or her ~~immediate~~ family or household member as defined by § 5-26-302(2);

(C) Placing that person in imminent fear of unwanted



sexual intercourse, a deviate sexual activity, or other sexual contact; or  
(D) Placing that person in imminent fear of unwanted  
sexual intercourse, a deviate sexual activity, or other sexual contact  
against his or her family or household member as defined by § 5-26-302(2).

SECTION 2. Arkansas Code § 5-71-229(f)(1), concerning the course of conduct constituting stalking, is amended to read as follows:

(1)(A) "Course of conduct" means a pattern of conduct composed of two (2) or more acts, separated by at least thirty-six (36) hours, but occurring within one (1) year, including without limitation an act in which the actor directly, indirectly, or through a third party by any action, method, device, or means follows, monitors, observes, places under surveillance, threatens, or communicates to or about a person or interferes with a person's property.

(B) "Course of conduct" includes without limitation sending mail or electronic communication to a person via electronic mail, text messages, or any other type of electronic message sent using the internet, websites, or social media platforms.

(C)(i) "Course of conduct" does not include constitutionally protected activity.

(ii) If the defendant claims that he or she was engaged in a constitutionally protected activity, the court shall determine the validity of that claim as a matter of law and, if found valid, shall exclude that activity from evidence;

*/s/Gazaway*