

HB 1101 – Stalking

This bill amends s. 784.048, F.S., adding a **Level 6, 3rd degree felony** for aggravated stalking, which is the act of stalking, and “in the course of committing the offense...enters upon the property of the victim without consent; or....interferes with the victim's property, including, but not limited to, tampering with or disabling security or surveillance devices...” It also adds a **Level 6, 3rd degree felony** for sexually aggravated stalking, which is the act of stalking, and “in the course of committing the offense...commits a lewd or lascivious act, including the exposure of genitals, masturbation, or other sexually explicit conduct, in the presence of or directed toward the victim or upon the property of the victim...or...mails, delivers, causes to be delivered, or otherwise transmits to the victim unsolicited sexually explicit materials with the intent to harass, degrade, or intimidate the victim...”

Per FDLE, in FY 24-25, there were 1,041 arrests for 1st degree misdemeanor stalking, with 286 guilty/convicted charges and 84 adjudication withheld charges. It is not known how many of these offenses would apply to the newly created Level 6, 3rd degree felonies. Per DOC, in FY 24-25, there were 48 new commitments to prison for aggravated stalking, where one stalks and also makes a credible threat.

Per DOC, in FY 24-25, the incarceration rate for a Level 6, 3rd degree felony was 26%.

CONFERENCE ADOPTED ESTIMATE: Positive Indeterminate

Requested by: House