

TITLE 6: CRIMES AND CRIMINAL PROCEDURE
DIVISION 1: CRIMES AGAINST THE PERSON

§ 1471. Stalking in the First Degree.

(a) A person commits the crime of stalking in the first degree if the person violates 6 CMC § 1472 and

(1) The actions constituting the offense are in violation of an order of protection issued by a court of law;

(2) The actions constituting the offense are in violation of a condition of probation, release before trial, release after conviction, or parole;

(3) The victim is under 16 years of age;

(4) At any time during the course of conduct constituting the offense, the defendant possessed a dangerous weapon;

(5) The defendant has been previously convicted of stalking in the first degree, stalking in the second degree, violating an order for protection, or a law or ordinance of this or another jurisdiction with elements similar to stalking in the first degree, stalking in the second degree, or violating an order for protection;

(6) The defendant has been previously convicted of a crime involving domestic violence, or an attempt or solicitation to commit a crime involving domestic violence, under

(A) Murder in the first or second degree or manslaughter, under 6 CMC §§ 1101-1102;

(B) Assault, assault and battery, aggravated assault or assault with a dangerous weapon, under 6 CMC §§ 1201-1204;

(C) Kidnapping, under 6 CMC § 1421;

(D) Sexual assault or sexual abuse of a minor in any degree, under 6 CMC §§ 1301-1309, or the former crimes of Rape, Rape of Spouse, Criminal Sodomy, Criminal Oral Copulation, Rape By Object, or Sexual Abuse of a Child, under former 6 CMC §§ 1301-1311;

(E) Terroristic threatening, under 6 CMC § 3112;

(F) Violating an order of protection, under 6 CMC § 1464;

(G) Disturbing the peace, under 6 CMC § 3101; or

(H) A law or an ordinance of this or another jurisdiction with elements similar to any crime listed in (A) through (G) of this subsection, involving the same victim as the present offense.

(b) In this section, “course of conduct” and “victim” have the meanings given in 6 CMC § 1472.

(c) Stalking in the first degree is punishable by a term of imprisonment not to exceed five years, a fine not to exceed \$2,000, or both.

Source: PL 14-9, § 3 (1508), modified.

Commission Comment: PL 14-9, known as the Domestic Violence Criminal Act of 2004, became effective on May 28, 2004 and contained, among other enactments, findings, severability, and savings clause provisions. See the comment to 6 CMC § 1461 regarding PL 14-9.