



**An Bille um Chionta Neamh-Mharfacha in aghaidh an Duine (Leasú)
(Stalcaireacht), 2021**

Non-Fatal Offences Against the Person (Amendment) (Stalking) Bill 2021

Mar a tionscnaíodh

As initiated



**AN BILLE UM CHIONTA NEAMH-MHARFACHA IN AGHAIDH AN DUINE (LEASÚ)
(STALCAIREACHT), 2021
NON-FATAL OFFENCES AGAINST THE PERSON (AMENDMENT) (STALKING)
BILL 2021**

Mar a tionscnaíodh

As initiated

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2. Short title and commencement

ACT REFERRED TO

Non-Fatal Offences Against the Person Act 1997 (No. 26)



**AN BILLE UM CHIONTA NEAMH-MHARFACHA IN AGHAIDH AN DUINE (LEASÚ)
(STALCAIREACHT), 2021
NON-FATAL OFFENCES AGAINST THE PERSON (AMENDMENT) (STALKING)
BILL 2021**

Bill

5

entitled

An Act to provide for a specific offence of stalking characterised by repeated, unwanted behaviour that occurs as a result of fixation or obsession and causes alarm, distress or harm to the victim and to provide for related matters.

Be it enacted by the Oireachtas as follows:

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Amendment of Non-Fatal Offences Against the Person Act 1997

1. The Non-Fatal Offences Against the Person Act 1997 is amended—

- (a) in section 10(1), by the deletion of “, besetting”, and
- (b) by the insertion of the following sections after section 10:

“Stalking

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10A. (1) A person who, without lawful authority or reasonable excuse, engages in stalking behaviour towards another shall be guilty of an offence.

(2) For the purposes of this section, a person engages in stalking behaviour towards another where—

(a) he or she, by his or her stalking behaviour intentionally or recklessly, seriously interferes with the other person’s peace and privacy by means of repeated and unwanted behaviour and—

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(i) causes alarm, distress or harm to the other person, or

(ii) causes a substantial adverse impact on the other person’s usual day-to-day activities,

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and

(b) his or her stalking behaviour is such that a reasonable person would realise that the conduct would seriously interfere with the other person’s peace and privacy and—

(i) cause alarm, distress or harm to the other person, or

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(ii) have a substantial adverse impact on the other person’s usual day-to-day activities.

- (3) In this section ‘stalking behaviour’ means engaging in one or more than one of the following:
- (a) persistently following, watching, pestering or communicating by any means of communication with or about a person;
 - (b) purporting to be the other person; 5
 - (c) attempting to make repeated, unwanted contact with a person or any other repeated, unwanted behaviour towards a person;
 - (d) making threats of violence, either directly or indirectly, against a person or against their family, their home, their colleagues, their friends, or their pets; 10
 - (e) loitering in the vicinity of a person in a manner that causes that person to experience fear, apprehension, fright or significant distress for themselves or others;
 - (f) monitoring or spying on a person by any means;
 - (g) interfering with the property of a person; or 15
 - (h) behaving in any other way that a reasonable person would expect would cause a person to suffer fear or alarm.
- (4) Where a person is guilty of an offence under subsection (1), the court may, in addition to or as an alternative to any other penalty, order that the person shall not, for such period as the court may specify, communicate by any means with the other person or that the person shall not approach within such distance as the court shall specify of the place of residence or employment of the other person. 20
- (5) A person who fails to comply with the terms of an order under subsection (4) shall be guilty of an offence. 25
- (6) If on the evidence the court is not satisfied that the person should be convicted of an offence under subsection (1), the court may nevertheless make an order under subsection (4) upon an application to it in that behalf if, having regard to the evidence, the court is satisfied that it is in the interests of justice so to do. 30
- (7) A person who commits an offence under this section is liable—
- (a) on summary conviction to a class A fine or to imprisonment for a term not exceeding 12 months or to both, or
 - (b) on conviction on indictment to a fine or to imprisonment for a term not exceeding 10 years or to both. 35

Alternative verdicts

- 10B.** (1) If, on the trial of a person for an offence under section 10, it is proved that the person stalked another, he or she may be convicted of that offence under section 10A.
- (2) If, on the trial of a person for an offence under section 10A, it is proved that the person harassed another, he or she may be convicted of 40

that offence under section 10.”.

Short title and commencement

2. (1) This Act may be cited as the Non-Fatal Offences Against the Person (Amendment) (Stalking) Act 2021.

(2) This Act shall come into operation on the date of its passing.

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An Bille um Chionta Neamh-Mharfacha in
aghaidh an Duine (Leasú) (Stalcaireacht),
2021

BILLE

(mar a tionscnaíodh)

dá ngairtear

Acht do dhéanamh socrú maidir le cion sonrach arb éard é stalcaireacht, arb é an phríomhthréith a ghabhann léi iompar gan iarraidh, arís agus arís eile, a tharlaíonn mar thoradh ar ghreamú nó dúghabháil, agus ar cúis é le scaoll a chur san íospartach, anó a chur air nó uirthi nó díobháil a dhéanamh dó nó di agus do dhéanamh socrú i dtaobh nithe gaolmhara.

*Na Seanadóirí Lisa Nic Ambróis, Máire Ní Giolla
Phádraig agus Eirinn Ní Ghreacháin a thug isteach,*

15 Iúil, 2021

Non-Fatal Offences Against the Person
(Amendment) (Stalking) Bill 2021

BILL

(as initiated)

entitled

An Act to provide for a specific offence of stalking characterised by repeated, unwanted behaviour that occurs as a result of fixation or obsession and causes alarm, distress or harm to the victim and to provide for related matters.

*Introduced by Senators Lisa Chambers, Mary
Fitzpatrick and Erin McGreehan,*

15th July, 2021

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