

ORGANIZED STALKING AND DIRECTED ENERGY WEAPONS HARASSMENT BILL

A bill to provide protections to individuals who are being harassed, stalked, harmed by surveillance, and assaulted; as well as protections to keep individuals from becoming human research subjects, tortured, and killed by electronic frequency devices, directed energy devices, implants, and directed energy weapons.

Section 1. Short Title

This bill may be cited as the “Organized Stalking and Directed Energy Devices and Weapons Bill “

Section 2. Findings and Purpose

A) Findings

1) The constitution guarantees the right of the people to be secure in their person. The Declaration of Independence asserts as self-evident that all men have certain inalienable rights and that among these are life, liberty, and the pursuit of happiness.

2) As Supreme Court Justice Louis Brandeis wrote in 1928, “the framers of the Constitution sought "to protect Americans in their beliefs, their thoughts, their emotions, and their sensations." It is for this reason that they established, as against the government, **the right to be let alone** as "the most comprehensive of rights and the right most valued by civilized men.“

3) The first principle of the Nuremberg Code states that with respect to human research, the voluntary consent of the human subject is absolutely essential. The Nuremberg Code further asserts that such consent must be competent, informed, and comprehending.

4) There are current regulations implementing the obligations of the United States to adhere to Article 3 of the United Nations Convention Against Torture and other Forms of Cruel, Inhumane or Degrading Treatment including all terms that are Subject to any reservations, understandings, declarations, and provisions contained in the United States Senate resolution of ratification of the Convention.

B) Purpose

To establish regulations and penalties for those who use any type of electronic frequency devices, directed energy devices, implants, surveillance technology, and directed energy weapon to purposefully cause any of the following: stalking, harassing, mental or physical harm, injury, harmful surveillance, torture, diseases, and death to any United States citizen.

Section 3. Organized Stalking

If two or more persons willfully, maliciously, and repeatedly follow or willfully and maliciously harass another person and who make a credible threat with the intent to place that person in reasonable fear for his or her safety, or the safety of his or her immediate family, they are guilty of the crime of organized stalking, punishable by imprisonment in a county jail for not more than one year, or by not more than one thousand dollars (\$ 1,000), or by both that fine and imprisonment, or by imprisonment in a federal prison.

If two or more persons violate subdivision (a) when there is a temporary restraining order, injunction, or any other court order in effect prohibiting the behavior described in subdivision (a) against the same

party, they shall be punished by imprisonment in the state prison for two, three, or four years.

For the purposes of this section, "harass" means engages in a knowing and willful course of conduct directed at a specific person that seriously alarms, annoys, torments, or terrorizes the person, or damages his personal property or possessions and that serves no legitimate purpose. * * *

For the purposes of this section, "course of conduct" means two or more acts occurring over a period of time, however short, evidencing a continuity of purpose. Constitutionally protected activity is not included within the meaning of "course of conduct."

For the purposes of this section, "credible threat" means a verbal or written threat, including that performed through the use of an electronic communication device, or a threat implied by a pattern of conduct or a combination of verbal, written, or electronically communicated statements and conduct, made with the intent to place the person that is the target of the threat in reasonable fear for his or her safety or the safety of his or her family, or personal property or possessions and made with the apparent ability to carry out the threat so as to cause the person who is the target of the threat to reasonably fear for his or her safety or the safety of his or her family or personal property or possessions. It is not necessary to prove that the defendant had the intent to actually carry out the threat. The present incarceration of a person making the threat shall not be a bar to prosecution under this section. Constitutionally protected activity is not included within the meaning of "credible threat."

For purposes of this section, the term "electronic communication device" includes, but is not limited to, telephones, cellular phones, computers, video recorders, fax machines, pagers or synthetic telepathy devices.

The sentencing court also shall consider issuing an order restraining the defendant from any contact with the victim, that may be valid for up to 10 years, as determined by the court. It is the intent of the Legislature that the length of any restraining order be based upon the seriousness of the facts before the court, the probability of future violations, and the safety of the victim and his or her immediate family.

For purposes of this section, "immediate family" means any spouse, parent, child, any person related by consanguinity or affinity within the second degree, or any other person who regularly resides in the household, or who, within the prior six months, regularly resided in the household.

Section 4. Punishment for threats

Any person or persons who willfully threatens to commit a crime which will result in death or great bodily injury to another person, with the specific intent that the statement, made verbally, in writing, or by means of an electronic communication device, is to be taken as a threat, even if there is no intent of actually carrying it out, which, on its face and under the circumstances in which it is made, is so unequivocal, unconditional, immediate, and specific as to convey to the person threatened, a gravity of purpose and an immediate prospect of execution of the threat, and thereby causes that person reasonably to be in sustained fear for his or her own safety or for his or her immediate family's safety, shall be punished by imprisonment in a federal prison not to exceed one year..

For the purposes of this section, "immediate family" means any spouse, whether by marriage or not, parent, child, any person related by consanguinity or affinity within the second degree, or any other person who regularly resides in the household, or who, within the prior six months, regularly resided in the household.

"Electronic communication device" includes, but is not limited to, telephones, cellular telephones, computers, video recorders, fax machines, pagers or synthetic telepathy devices

Obscene, threatening or annoying communication

(a) Every person or persons who, with intent to annoy, telephones or makes constant contact by means of an electronic communication device with another and addresses to or about the other person any obscene language or addresses to the other person any threat to inflict injury to the person or any member of his or her family, or any property or personal possessions is guilty of a misdemeanor. Nothing in this subdivision shall apply to telephone calls or electronic contacts made in good faith.

(b) Every person or persons who makes repeated telephone calls or makes repeated contact by means of an electronic communication device with intent to annoy another person at his or her residence, is, whether or not conversation ensues from making the telephone call or electronic contact, is guilty of a misdemeanor. Nothing in this subdivision shall apply to telephone calls or electronic contacts made in good faith.

(c) Every person or persons who makes repeated telephone calls or makes repeated contact by means of an electronic communication device with the intent to annoy another person at his or her place of work is guilty of a misdemeanor punishable by a fine of not more than one thousand dollars (\$ 1,000), or by imprisonment in a federal prison for not more than one year, or by both that fine and imprisonment. Nothing in this subdivision shall apply to telephone calls or electronic contacts made in good faith. This subdivision applies only if one or both of the following circumstances exist:

(1) There is a temporary restraining order, an injunction, or any other court order, or any combination of these court orders, in effect prohibiting the behavior described in this section.

(2) The person or persons makes repeated telephone calls or makes repeated contact by means of an electronic communication device with the intent to annoy another person at his or her place of work, totaling more than 10 times in a 24-hour period, whether or not conversation ensues from making the telephone call or electronic contact, and the repeated telephone calls or electronic contacts are made to the workplace of an adult or fully emancipated minor who is a spouse, former spouse, cohabitant, former cohabitant, or person with whom the person has a child or has had a dating or engagement relationship or is having a dating or engagement relationship.

(d) Any offense committed by use of a telephone may be deemed to have been committed where the telephone call or calls were made or received. Any offense committed by use of an electronic communication device or medium, including the Internet, may be deemed to have been committed when the electronic communication or communications were originally sent or first viewed by the recipient.

(e) Subdivision (a), (b), or (c) is violated when the person acting with intent to annoy makes a telephone call requesting a return call and performs the acts prohibited under subdivision (a), (b), or (c) upon receiving the return call.

(f) If probation is granted, or the execution or imposition of sentence is suspended, for any person or persons convicted under this section, the court may order as a condition of probation that the person participate in counseling.

(g) For purposes of this section, the term "electronic communication device" includes, but is not limited

to, telephones, cellular phones, computers, video recorders, fax machines, pagers or synthetic telepathy devices.

Section 5. Assault and battery with an electronic or directed energy weapon

Any person or persons who in the course of organized stalking and harassment, commits an **assault** upon the person of another with an unauthorized directed energy weapon shall be punished by imprisonment in a federal prison for two, three, or four years or by a fine not exceeding ten thousand dollars (\$10,000).

For the purposes of this section the term directed energy weapon is defined as any device that directs a source of energy (including molecular or atomic energy, subatomic particle beams, electromagnetic radiation, plasma, or extremely low frequency (ELF) or ultra low frequency (ULF) energy radiation) against a person or any other unacknowledged or as yet undeveloped means of inflicting death or injury; or damaging or destroying, a person (or the biological life, bodily health, mental health, or physical and economic well-being of a person via land-based, sea-based, or space-based systems using radiation, electromagnetic, psychotronic, sonic, laser, or other energies directed at individual persons or targeted populations for the purpose of information war, mood management, or mind control of such persons or populations; or by expelling chemical or biological agents in the vicinity of a person.