

Definition of Stalking

Texas Penal Code Sec. 42.072

Stalking

- (a)** A person commits an offense if the person, on more than one occasion and pursuant to the same scheme or course of conduct that is directed specifically at another person, knowingly engages in conduct that:
- (1)** constitutes an offense under Section 42.07 (Harassment), or that the actor knows or reasonably should know the other person will regard as threatening:
- (A)** bodily injury or death for the other person;
- (B)** bodily injury or death for a member of the other person's family or household or for an individual with whom the other person has a dating relationship; or
- (C)** that an offense will be committed against the other person's property;
- (2)** causes the other person, a member of the other person's family or household, or an individual with whom the other person has a dating relationship to be placed in fear of bodily injury or death or in fear that an offense will be committed against the other person's property, or to feel harassed, annoyed, alarmed, abused, tormented, embarrassed, or offended; and would cause a reasonable person to:
- (A)** fear bodily injury or death for himself or herself;
- (B)** fear bodily injury or death for a member of the person's family or household or for an individual with whom the person has a dating relationship;
- (C)** fear that an offense will be committed against the person's property; or
- (D)** feel harassed, annoyed, alarmed, abused, tormented, embarrassed, or offended.
- (b)** An offense under this section is a felony of the third degree, except that the offense is a felony of the second degree if the actor has previously been convicted of an offense under this section or of an offense under any of the following laws that contains elements that are substantially similar to the elements of an offense under this section:
- (1)** the laws of another state;

- (2) the laws of a federally recognized Indian tribe;
- (3) the laws of a territory of the United States; or
federal law.
- (c) For purposes of this section, a trier of fact may find that different types of conduct described by Subsection (a), if engaged in on more than one occasion, constitute conduct that is engaged in pursuant to the same scheme or course of conduct.
- (d) In this section:
 - (1) “Dating relationship,” “family,” “household,” and “member of a household” have the meanings assigned by Chapter 71 (Definitions), Family Code.
 - (2) “Property” includes a pet, companion animal, or assistance animal, as defined by Section 121.002 (Definitions), Human Resources Code.