

Tracy's Law
Second Degree Stalking
Code of Alabama § 13A-6-90(A), Second Degree Stalking.
[Proposed] [Revision 1]

Whereas the State of Alabama currently has laws defining felonious *Stalking* and *Aggravated Stalking* – Codes of Ala. § 13A-6-90 and 13A-6-91, respectively – and recognizing that lesser offenses occur far more frequently, and over longer periods of time, resulting in the continuous harassment, invasion of privacy, and psychological abuse of victims, and often leading to the greater felonious offenses against them, it is proposed that a new, lesser-included offense for Second Degree Stalking, a Class B Misdemeanor, be defined and added to the State Criminal Code of Alabama under 13A-6-90.

In memory of Tracy Lynn Morris, who was brutally assaulted and murdered by Jason Michael Sharp after nearly two years of stalking her without breaking the law as currently defined, it is proposed that the new law be known as “Tracy’s Law.”

To wit, it is obvious that no laws exist to stop stalking in the perceived “harmless” stages, and victims are increasingly frustrated with the inability of law enforcement to act in the absence of said laws. In Tracy’s case, Mr. Sharp – believing that he was “in love” – often drove by her home, knocked on her door at all hours, left many unwanted gifts, cards, flowers, etc., and made many advances toward Tracy even though she had repeatedly told him to stop and leave her alone. And she had no recourse even though he had a long-established history of said activities before he killed her. In essence, his first *criminal* act after nearly two years of stalking her was to beat, rape, sodomize, and murder her on January 2, 1999 – stabbing her 37 times with a screwdriver. None of his prior activities were prosecutable offences under the current law.

Clearly a new law is needed to help victims take action against stalkers *before* they turn violent. *Tracy’s Law* will provide a much-needed instrument in law enforcement, enabling the prosecution of stalkers for lesser-included offences. Such prosecutions will serve to remind offenders that their behavior is as inappropriate as it is illegal and they should stop before it climaxes in an act of violence. The ultimate result will save lives.

Therefore, it is proposed that Code of Ala. § 13A-6-90. Stalking, be amended to include a subsection (A) to define a Class B Misdemeanor, “Second Degree Stalking,” as follows:

Code of Ala. § 13A-6-90(A). Second Degree Stalking.

(a) A person who intentionally and repeatedly follows, harasses, telephones, or initiates communication – either verbally, electronically or otherwise – with another person, any member of the other person’s immediate family, or any third party with whom the other person is acquainted, and causes material harm to the mental or emotional health of the other person, or causes such person to reasonably fear that his or her employment, business, or career is threatened, and the perpetrator was previously clearly informed to cease that conduct is guilty of the crime of second degree stalking.

(b) The crime of second degree stalking is a Class B misdemeanor.

Furthermore, it is proposed that Section (a) of Code of Ala. § 13A-6-91. Aggravated stalking, be amended as follows:

Code of Ala. § 13A-6-91. Aggravated stalking.

(a) A person who violates the provisions of Sections 13A-6-90(a) *or* 13A-6-90(A)(a) and whose conduct in doing so also violates any court order or injunction is guilty of the crime of aggravated stalking.

(b) The crime of aggravated stalking is a Class B felony.

Discussion: Stipulation that the perpetrator is “clearly informed” to cease and desist

There are several methods available to the victims of stalking to show that their perpetrators have been “clearly informed” to cease and desist their behavior. These include, but are not limited to, the following

1. A verbal warning in the presence of any Law Enforcement Officer
2. A verbal warning in the presence of witnesses who can testify to that fact to the extent that any prudent person would believe that said warning occurred
3. A written warning sent through registered mail, UPS, FedEx, or any delivery service that provides proof of delivery
4. A recorded verbal warning (audio or video) either in person or over the telephone
5. Any court ordered restraining order or injunction

Respectfully submitted for consideration by:



D. Brian Morris,
Brother of Tracy Lynn Morris

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