

statute that probably better could be used to prosecute these offenses than what is being proposed to you. In fact I know it's easier to prosecute. So what I'm doing is adding to that statute the subsequent conviction provision that's in 1098. Now let me go back and start at the beginning and say why I think this bill represents a very poor effort on our part. First of all you have to ask yourself what is it going to take, from a prosecutor's point of view, to convict a person of the offense that's being outlined in this bill? And after all the definitions, after all the definitions in Section 1, the meat of the bill is in Section 2, and it starts out by saying any person who willfully, maliciously, and...and repeatedly follows or harasses another person, that's the first part of the definition. So the first thing you have to prove, as a prosecutor, number one, you have to prove that they're willfully doing this. And then the second thing you have to prove is not only is it willful, but it's malicious. That's a higher standard of proof and more difficult standard of proof, and that's the second thing you have to prove. And then the third thing you have to prove is that it's done repeatedly, one, two, three, three things just at the beginning of the definition that you have to prove. And the action in the first part of the definition involves either following or harassing. If you're going to prove that they're following repeatedly, then that's a fourth element, the following. If you're going to prove, in the alternative, that they're harassing, then that becomes more complicated, because under the definition of harassing you then have to prove three more things. You have to prove that the person being harassed was seriously alarmed or annoyed, and we have no...currently no definitions in law as to what seriously alarmed or annoyed means. You would have to prove that a reasonable person would have suffered substantial emotional distress, that's the next thing you have to prove. And, finally, you would have to prove that not only the reasonable person would suffer substantial emotional distress, but you would have to show that the victim, himself or herself, actually experienced substantial emotional distress. And I assume...well I'm not sure how you would prove that. I would be interested in the comments of some other lawyers on that particular issue. So, so here we are at the first part of the definition, and you have some place between four and seven different proofs to make. Okay. But is that all? No, we're only one-third of the way through the definition of what you have to prove, so far, only one-third of the way. The next thing you have to prove, besides willful, malicious and repeatedly following or harassing another